

County of San Francisco, urging the President and the Civil Aeronautics Board to grant certificates for overseas air service to shipping companies; to the Committee on Interstate and Foreign Commerce.

1144. By the SPEAKER: Petition of the Missouri River States Committee, urging consideration of their resolution with reference to the development of the Missouri River Basin; to the Committee on Rivers and Harbors.

## SENATE

WEDNESDAY, SEPTEMBER 12, 1945

(Legislative day of Monday, September 10, 1945)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God who art in heaven and in all Thy works, we pause in the midst of thronging duties and confused issues to commune with Thee, unseen source of goodness, beauty, and truth, that the light which is the light of the world may shine upon us and illumine our path of action. May we know no glory but the supreme satisfaction of rendering to the Nation and to the world our utmost service unsullied by base motives of self-interest as again with the golden gift of a new day we pledge at this white altar of devotion integrity of character, purity of heart, and cleanness of hands and unswerving firmness of purpose in the fulfillment of this high and holy calling as servants of the Republic. In the dear Redeemer's name. Amen.

### THE JOURNAL

On request of Mr. WHITE, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, September 11, 1945, was dispensed with, and the Journal was approved.

### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill H. R. 3644, an act to amend the Veterans Regulations to provide additional rates of compensation or pension and remedy inequalities as to specific service-incurred disabilities in excess of total disability.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 27) to investigate the attack on Pearl Harbor on December 7, 1941, and events and circumstances relating thereto.

### CALL OF THE ROLL

Mr. WHITE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hart	O'Daniel
Andrews	Hatch	O'Mahoney
Austin	Hawkes	Overton
Bailey	Hayden	Radcliffe
Ball	Hickenlooper	Reed
Barkley	Hill	Revercomb
Bilbo	Hoey	Robertson
Brewster	Johnson, Colo.	Russell
Bridges	Johnston, S. C.	Saltmstall
Briggs	Kilgore	Shipstead
Brooks	Knowland	Smith
Buck	La Follette	Stewart
Burton	Langer	Taft
Butler	Lucas	Taylor
Byrd	McCarran	Thomas, Okla.
Capper	McClellan	Thomas, Utah
Carville	McFarland	Tobey
Connally	McKellar	Tunnell
Cordon	McMahon	Tydings
Donnell	Maybank	Vandenberg
Downey	Mead	Wagner
Ellender	Millikin	Walsh
Ferguson	Moore	Wherry
Fulbright	Morse	White
George	Murdock	Wiley
Gerry	Murray	Young
Gurney	Myers	

Mr. HILL. The Senator from Mississippi [Mr. EASTLAND] and the Senator from Virginia [Mr. GLASS] are absent because of illness.

The Senator from Alabama [Mr. BANKHEAD], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the senior Senator from Washington [Mr. MAGNUSON], the junior Senator from Washington [Mr. MITCHELL], and the Senator from Montana [Mr. WHEELER] are absent on public business.

The Senator from Florida [Mr. PEP-  
PER] is absent on official business.

Mr. WHERRY. The following Senators are necessarily absent: The Senator from Indiana [Mr. CAPEHART], the Senator from Indiana [Mr. WILLIS], and the Senator from Iowa [Mr. WILSON].

The Senator from South Dakota [Mr. BUSHFIELD] and the Senator from Idaho [Mr. THOMAS] are absent because of illness.

The PRESIDENT pro tempore. Eighty Senators having answered to their names, a quorum is present.

### PERSONAL STATEMENT

Mr. HOEY. Mr. President, the issue of the Washington Post of this morning contains a statement which I wish to correct. In a report respecting the visit to the White House by the senior Senator from North Carolina [Mr. BAILEY] and myself it is stated:

Meanwhile, Senator CLYDE R. HOEY (Democrat, North Carolina), after a White House visit, said the President had told him he is considering the appointment of Federal Circuit Judge Orle L. Phillips, of Denver, to the Supreme Court. The appointment of Phillips, a Republican, was recommended by Senator EDWIN C. JOHNSON (Democrat, Colorado) and EUGENE D. MILLIKIN (Republican, Colorado).

HOEY called at the White House with Senator JOSIAH W. BAILEY (Democrat, North Carolina) to urge appointment of Judge Parker to the Supreme Court vacancy. The President, according to HOEY, pointed out that Judge Phillips had the longest period of service of any circuit-court judge.

I wish to say that I made no such statement to the newspapers about this matter. The senior Senator from North Carolina and I called at the White House

and discussed with the President the appointment of Judge Parker, but I did not say at all that the President had made a statement with reference to Judge Phillips' appointment, as stated in the newspaper article. The President did not make any statement to me or to the senior Senator from North Carolina that he intended to appoint Judge Phillips or any other person, but his statement was that he had not yet made up his mind as to whom he would appoint to the Supreme Court. I wish to correct the newspaper statement because I made no such statement as is contained in it as to what the President said.

NOTICE OF HEARING ON NOMINATION OF HON. BENNETT CHAMP CLARK TO BE AN ASSOCIATE JUSTICE OF THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

Mr. McCARRAN. Mr. President, on behalf of the Committee on the Judiciary, and in accordance with the rules of the committee, I desire to give notice that a public hearing has been scheduled for Wednesday, September 19, 1945, at 10:30 a. m., in the Senate Judiciary Committee room, upon the nomination of Hon. Bennett Champ Clark, of Missouri, to be an associate justice of the United States Court of Appeals for the District of Columbia, vice Thurman W. Arnold, resigned. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from Nevada [Mr. McCARRAN], chairman, the Senator from Montana [Mr. WHEELER], and the Senator from Oklahoma [Mr. MOORE].

NOTICE OF HEARING ON NOMINATION OF E. BARRETT PRETTYMAN TO BE AN ASSOCIATE JUSTICE OF THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

Mr. McCARRAN. Mr. President, on behalf of the Committee on the Judiciary, and in accordance with the rules of the committee, I desire to give notice that a public hearing has been scheduled for Wednesday, September 19, 1945, at 10:30 a. m., in the Senate Judiciary Committee room, upon the nomination of E. Barrett Prettyman, of the District of Columbia, to be an associate justice of the United States Court of Appeals for the District of Columbia, vice Hon. Justin Miller, registration effective October 1, 1945. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from Nevada [Mr. McCARRAN], chairman, the Senator from Montana [Mr. WHEELER], and the Senator from Oklahoma [Mr. MOORE].

NOTICE OF HEARING ON NOMINATION OF WILBUR K. MILLER TO BE ASSOCIATE JUSTICE OF THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

Mr. McCARRAN. Mr. President, on behalf of the Committee on the Judiciary, and in accordance with the rules of the committee, I desire to give notice that a public hearing has been scheduled for Wednesday, September 19, 1945, at 10:30 a. m., in the Senate Judiciary Com-

mittee room, upon the nomination of Wilbur K. Miller, of Kentucky, to be associate justice of the United States Court of Appeals for the District of Columbia, vice Hon. Fred M. Vinson, resigned. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from Nevada [Mr. McCARRAN], chairman, the Senator from Montana [Mr. WHEELER], and the Senator from Oklahoma [Mr. MOORE].

**NOTICE OF HEARING ON NOMINATION OF ALEXANDER HOLTZOFF TO BE AN ASSOCIATE JUSTICE OF THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA**

Mr. McCARRAN. Mr. President, on behalf of the Committee on the Judiciary, and in accordance with the rules of the committee, I desire to give notice that a public hearing has been scheduled for Wednesday, September 19, 1945, at 10:30 a. m., in the Senate Judiciary Committee room, upon the nomination of Alexander Holtzoff, of the District of Columbia, to be an associate justice of the District Court of the United States for the District of Columbia, vice Hon. Bolitha J. Laws; elevated. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from Nevada [Mr. McCARRAN], chairman, the Senator from Montana [Mr. WHEELER], and the Senator from Oklahoma [Mr. MOORE].

**NOTICE OF HEARING ON NOMINATION OF JOHN J. O'CONNELL TO BE JUDGE OF THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE THIRD CIRCUIT**

Mr. McCARRAN. Mr. President, on behalf of the Committee on the Judiciary, and in accordance with the rules of the committee, I desire to give notice that a public hearing has been scheduled for Wednesday, September 19, 1945, at 10:30 a. m., in the Senate Judiciary Committee room, upon the nomination of John J. O'Connell, of Pennsylvania, to be judge of the United States Circuit Court of Appeals for the Third Circuit; new position. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from Nevada [Mr. McCARRAN], chairman, the Senator from Montana [Mr. WHEELER], and the Senator from Oklahoma [Mr. MOORE].

**PERSONNEL REQUIREMENTS**

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of the United States Employees' Compensation Commission, transmitting, pursuant to law, an estimate of personnel requirements for the Commission for the quarter ending December 31, 1945, which, with the accompanying papers, was referred to the Committee on Civil Service.

**REPORTS OF COMMITTEES**

The following reports of committees were submitted:

By Mr. THOMAS of Utah, from the Committee on Military Affairs:

S. 1354. A bill to authorize the permanent appointment in the grades of general of the Army and fleet admiral of the United States Navy, respectively, of certain individuals who have served in such grades during the Second World War; without amendment (Rept. No. 559).

By Mr. DOWNEY, from the Committee on Civil Service:

S. Res. 172. Resolution to investigate certain economic questions in the Pacific Coast and the Rocky Mountain States resulting from the termination of the war; with an amendment.

**EXTENSION OF AIR TRANSPORTATION TO SMALL CITIES AND TOWNS—REPORT OF INTERSTATE COMMERCE COMMITTEE**

Mr. McFARLAND, from the Committee on Interstate Commerce, submitted a report (No. 558) to accompany the concurrent resolution (S. Con. Res. 25) favoring an extension of the air-transportation system in the United States to small cities and towns, heretofore reported.

**BILLS AND JOINT RESOLUTION INTRODUCED**

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McCARRAN:

S. 1383. A bill to amend an act relating to the incorporation of Providence Hospital, Washington, D. C., approved April 8, 1864; to the Committee on the District of Columbia.

By Mr. CORDON:

S. 1384. A bill to amend the act entitled "An act to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended," approved January 24, 1942, so as to provide for recomputation of annuities of employees who retired prior to January 24, 1942; to the Committee on Civil Service.

By Mr. THOMAS of Utah:

S. J. Res. 93. Joint resolution to provide for the formation of policies with respect to the control and use of atomic energy; to the Committee on Military Affairs.

**LABOR'S OPPORTUNITY—ARTICLE BY SENATOR BURTON**

[Mr. BURTON asked and obtained leave to have printed in the RECORD an article entitled "Labor's Opportunity," written by him and published in the Labor Day edition of Trade Union Courier, September 3, 1945, which appears in the Appendix.]

**ROOSEVELT: MAN AND STATESMAN—ARTICLE BY JONATHAN DANIELS**

[Mr. HILL asked and obtained leave to have printed in the RECORD an article entitled "Roosevelt: Man and Statesman," written by Jonathan Daniels and published in Liberty magazine of September 8, 1945, which appears in the Appendix.]

**PROPOSED MEDICAL-SERVICE PLAN—ARTICLE BY DR. HARRY C. GUESS**

[Mr. MEAD asked and obtained leave to have printed in the RECORD an article regarding a proposed combined medical-service and hospital plan, by Dr. Harry C. Guess, from the Buffalo Evening News magazine of August 18, 1945, which appears in the Appendix.]

**ATOMIC BOMB RESPONSIBILITIES—ARTICLE BY HANSON W. BALDWIN**

[Mr. SHIPSTEAD asked and obtained leave to have printed in the RECORD an article entitled "Atomic Bomb Responsibilities," written by Hanson W. Baldwin and published in the New York Times of September 12, 1945, which appears in the Appendix.]

**THE JAPANESE ATTACK ON PEARL HARBOR—ARTICLE BY JOHN T. FLYNN**

[Mr. WHERRY asked and obtained leave to have printed in the RECORD an article entitled "John T. Flynn Charges Government Knew Jap Cabinet Intended To Break Relations," from the Chicago Tribune of September 2, 1945, which appears in the Appendix.]

**THE SUPPLY OF MEAT AND THE LIFTING OF MEAT RATIONING**

Mr. WHERRY. Mr. President, yesterday by unanimous consent I had printed in the RECORD several newspaper articles relative to the lifting of red points on the sale of meat. I now ask unanimous consent to have printed in the RECORD a news comment from today's Washington Post entitled "Meat Piles Up as Dealers Ask End of Curbs." The article is printed in today's Washington Post. In this particular article the writer sets forth:

Washington's wholesale meat lockers had that bulging, prewar appearance yesterday while the public still went around with the same lean and hungry look.

Six of 10 meat wholesalers disclosed their freezers were either overstocked or would be within the next 10 days. They echoed the announcement with a plea to the Office of Price Administration to remove meat rationing in the midst of plenty.

OPA's only comment was that no definite date has been set to end meat rationing. Unofficial reports had set either October 1 or November 1 as the ration-lifting date, but OPA would name no specific date.

I ask unanimous consent that the entire article may be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

**MEAT PILES UP AS DEALERS ASK END OF CURBS—WHOLESALE REPORTS BULGING LOCKERS—OPA HEDGES ON FIXING DATE**

Washington's wholesale meat lockers had that bulging, prewar appearance yesterday while the public still went around with the same lean and hungry look.

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An OPA spokesman commented that the end of cheese rationing at midnight last night would fall to ease the situation "too much" because housewives have been using only 2 percent of their red points for cheese purchases.

End of all controls on slaughtering September 8, and the bumper cattle run this season were given as reasons for the growing meat supply here. Wholesalers said pork was the only meat still not plentiful.

The wholesalers' situation, at a glance, was this:

Auth Bros. Co.: "We're managing now, but next week I'm afraid we'll be caught with a lot of extra meat."

Washington Beef & Provision Co.: "Beef's coming in fine, but moving out slowly."

Capitol Kosher Sausage & Provision Co.: "We've turned down two shipments of meat this week. We may have to look for more storage space."

Gamble Co.: "Supplies gradually getting heavier."



Anderson's Meat Market and National Hotel Supply Co. had similar answers and, as the others, urged an end to rationing.

#### OPA EXPECTED TO CLOSE 10 OF 14 BOARDS HERE

Local OPA is awaiting official word from Leo F. Gentner, acting OPA administrator for region 2, that the 14 ration boards here will be reduced to 4 by January 1, 1946, it was learned yesterday.

Gentner made such a statement Monday in New York to representatives of retail trade associations. He also said the 640 boards in the region will be reduced to 194 by January 1.

A local spokesman said 92 of the 213 employees here received 30-day dismissal notices at the end of August in anticipation of such an order.

Mr. WHERRY. Mr. President, once again I call to the attention of the Members of the Senate the fact that at this very season of the year there are tremendous runs of livestock into the slaughtering houses. OPA Administrator Chester Bowles has lifted the slaughtering quotas, which is a step in the right direction, but hand in hand with that must go the lifting of the red points in order to prevent an embargo such as will have to come later to stop the shipment of cattle into the feed lots for slaughter. Unless the meat is sold over the retail counters, that will have to be done.

I ask once again that the Members of the Senate, if possible, take the matter up with the Secretary of Agriculture and the Office of Price Administration, and ask them to lift the red points on the sale of meat, so that the tremendous meat supplies which are now coming through and being slaughtered may be funneled out over the retail counters and reach the public, thereby breaking this dam and this overkilling of cattle. Unless that is done it must eventually result in embargoes on shipments.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. TOBEY. I appreciate the remarks made by the Senator from Nebraska. Only this morning I received word from my own State of New Hampshire of a large supply of meat beyond the points available for purchasing of the meat. I share the Senator's apprehensions and feelings respecting the present situation, and I have already made my representations in connection therewith.

Mr. WHERRY. I wish to thank the distinguished Senator from New Hampshire for his comment. I appreciate very much his interest in the situation.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. HICKENLOOPER. I wish to inform the Senator from Nebraska that I have received a number of letters from meat dealers and meat processors in my home State of Iowa indicating that there is now a surplus of meat on hand; that the present point system for purchase of meat is preventing the distribution of the meat, and that the OPA policies are strangling the distribution of meat which would otherwise be available. However, I should like to give the Senator a note of hope. In the Washington Evening Star of yesterday I noticed an article stating that the OPA had taken some

very drastic action respecting price ceilings. This brief article says:

Hula girls add 25 cents to cost of pictures in Hawaii, OPA rules.

Mr. TOBEY. I am from New Hampshire. What are hula girls?

Mr. HICKENLOOPER. That will be explained to the Senator in a moment as I read from the article. This is a new price order which OPA has master-minded over there in Hawaii:

OPA has put a ceiling on hula girls.

In a new price order covering commercial photography in Hawaii, OPA said a 4- by 5-inch picture would cost 50 cents, but added: "With hula girl, each, 75 cents."

"Hula girl," said the official definition, "means any female posing for compensation or profit for a direct positive photograph whether paid by the photographer or the subject of the photograph."

I commend to the distinguished Senator from Nebraska that the OPA expert on hula girls no doubt has been imported from Hawaii in furtherance of the OPA's policy.

Mr. WHERRY. I want to thank the distinguished Senator for his comment, but I should like to say to the Senator that I have been talking about a different type of livestock than that which he mentioned. [Laughter.]

Mr. REED. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. REED. The Senator from Nebraska will recall that beginning in 1943 the western Senators, from the livestock producing States, undertook to handle questions similar to the one which is now before the OPA. Does the Senator from Nebraska remember when the OPA ever took any intelligent action in respect to any of these things?

Mr. WHERRY. I should like to answer the distinguished Senator from Kansas by saying that the OPA finally took action and I think it was intelligent in one or two instances. Outside of that, I know of no action that one might qualify as intelligent. But I should like to mention one. I think the Senator will remember that OPA finally did lift the red points on pork, but that action came so late, after the need had arisen, that it really did not do the pork situation much good.

Mr. REED. The Senator will remember that we made that request of the OPA.

Mr. WHERRY. Yes.

Mr. REED. We made the request in November 1943.

Mr. WHERRY. Yes.

Mr. REED. And the OPA at that time told us that they knew how to run this matter, and that we did not. Does the Senator remember that?

Mr. WHERRY. I remember those words very distinctly.

Mr. REED. The best market for pork is in the wintertime. After that market time had passed, in about May of 1944, 6 months after we had urged this action on the OPA, they did lift the restrictions upon marketing.

Mr. WHERRY. Yes.

Mr. REED. What we are now approaching is a congestion in cattle similar to that which occurred with respect

to hogs in late 1943 and the first part of 1944. But, Mr. President, the OPA is again failing to apply the simplest rules of common sense in handling this question. The Senator from Nebraska is eminently correct in saying that rationing points should be lifted, on beef especially, that is, the restriction of sales to those who have ration points should be lifted so far as beef is concerned because there is an ample supply of beef coming to the market at this time. This situation, as I have said, is very similar to that which existed respecting hogs and pork in the latter part of 1943 and the beginning of 1944. The failure of the OPA to comprehend the situation and take proper action is one of the most incredibly stupid things with which we have had to deal.

Mr. WHERRY. I thank the distinguished Senator from Kansas for his comments.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. WHERRY. I yield to the distinguished Senator from Minnesota.

Mr. SHIPSTEAD. I wish to supplement what the Senator has said. Before I left Minnesota I was called upon by stock raisers, grocers, and members of the general public to do everything possible to have rationing of meat eliminated. The stockyards are becoming so crowded that unless the people are allowed to buy meat, an embargo will have to be put into effect.

Mr. WHERRY. That is correct.

Mr. SHIPSTEAD. Fall is coming, and cattle which have been kept on ranges and pastures will have to be shipped. The people are hungry for meat, and they ought to have it.

Mr. WHERRY. I thank the distinguished Senator from Minnesota for his comments.

Mr. President, I should like to conclude by stating that I deeply appreciate the fact that the OPA has lifted the slaughtering quotas. As I have previously stated, that is a step in the right direction, because it permits the immediate slaughter of the cattle now coming in under the seasonal runs. I have presented the situation to the Office of Price Administration and also to the Secretary of Agriculture as constructively as possible, and I am sure they will lift the red points; but each day they fail to lift them means the possibility of greater congestion in the livestock centers. I hope the result will not be an embargo. We should like to move the cattle into the slaughtering plants, have them butchered, and have the meat go out over the retail counters into the households of the country.

#### MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 3644) to amend the Veterans Regulations to provide additional rates of compensation or pension and remedy inequalities as to specific service-incurred disabilities in excess of total disability, and it was signed by the President pro tempore.



## FEDERAL AID FOR PUBLIC AIRPORTS

The Senate resumed the consideration of the bill (S. 2) to provide for Federal aid for the development, construction, improvement, and repair of public airports in the United States, and for other purposes.

The PRESIDENT pro tempore. The Senator from Ohio [Mr. TAFT] yesterday moved to amend the committee substitute by inserting in lieu of the figures "\$100,000,000," where they occur in lines 16 and 17, on page 33, the figures "\$75,000,000."

To that amendment the Senator from Arkansas [Mr. McCLELLAN] has offered an amendment proposing to insert in lieu of the figures "\$75,000,000" the figures "\$50,000,000." The question is, therefore, on agreeing to the amendment of the Senator from Arkansas to the amendment of the Senator from Ohio.

Mr. McCARRAN. Mr. President, I hope that the amendment of the Senator from Arkansas to the amendment of the Senator from Ohio will not prevail. It would curtail the entire program 50 percent, and in my judgment would destroy the program.

Undoubtedly this country must go forward in commercial aviation if we are to keep abreast of the commerce of the world. Every State and every community which hopes to occupy a place in the commercial picture for the next 25 or 50 years must of necessity have access to air commerce. Notwithstanding the fact that we are all interested in economy, to say now that we are going to be miserly about setting up this plan is to say that we shall be penny-wise and pound-foolish.

During yesterday afternoon and evening I gave a great deal of thought to the amendment of the Senator from Ohio. This morning I had a very brief discussion with him on the subject. I am inclined to believe that it would be well to accept the amendment of the Senator from Ohio, which would mean an appropriation of \$75,000,000 a year for a period of 5 years. The bill is so framed that any unused funds in one year will be carried into the program for the next year. Certainly \$75,000,000 for the remainder of this year would be ample to start the program and to get it in working order. Much work could be done. Although I would rather have \$100,000,000, I believe that the amendment of the Senator from Ohio is a fair compromise, and I am willing to accept it; but I cannot accept the amendment of the Senator from Arkansas, because I think it would destroy the whole philosophy of the plan.

Mr. OVERTON. Mr. President, in my judgment the Senator from Nevada is extremely liberal in the proposal which he makes. If I had charge of the bill I doubt very seriously if I would go that far.

We must move forward rapidly in the air-transport business, and the Federal Government must do its part. It is not a local matter. It is a national matter. It goes even further than that. It is international. Our international aviation will depend very largely upon the development of our national aviation. Great airports will be constructed in our

large cities. Not only will magnificent airports be constructed on the transcontinental lines, but subsidiary airports will be constructed, which will be feeders for the large airports. Landing fields will be constructed which can be used for private aviation. The Federal Government must recognize its responsibility in this great venture. I do not believe that \$100,000,000 is sufficient. I voted for the figure of \$100,000,000 after close study in the committee with the Senator from Nevada, but I did so rather reluctantly. I thought that the amount should be larger.

Why should we be parsimonious in this matter? Why should we chisel away at the amount of the Federal contribution? Why should we undertake to hamper the development of this great, modern method of transportation? I will go along with the Senator from Nevada in his proposal, if accepted by the Senator from Arkansas and the Senator from Arkansas withdraws his amendment. I am willing to go along with the figure of \$75,000,000. However, I believe that in the next year or two we shall be increasing the figure far beyond \$100,000,000.

Mr. McCARRAN. Mr. President, I am very grateful to the Senator from Louisiana. I hope the Senator from Arkansas will see fit to withdraw his amendment to the amendment of the Senator from Ohio. I understand that the amendment of the Senator from Arkansas has not been accepted by the Senator from Ohio.

Mr. BAILEY. Mr. President, I wish to commend the Senator from Nevada for accepting the amendment of the Senator from Ohio. I do not believe that it will impair the value or the effectiveness of the program in contemplation. It is my judgment that we can reduce the figure from \$100,000,000 a year for 5 years to \$75,000,000 for the same period, soundly and consistently—consistent with common sense and with the interest of the country and the Congress in the progress of aviation.

I have said very little about it, but I have been very seriously troubled by the report to the House entitled "National Airport Plan." I consider it official. The hearings were very largely based upon it. The bill was very largely derived from it. In the bill the language of the report is to a considerable extent repeated.

The source of my trouble has been that according to the report, it was proposed to adopt the class 1 type of airport, which comes very close to being no airport at all, located in no city at all, located in towns some of which cannot be discovered in the atlas, and amounting to a very great number—altogether 3,200 more than we now have. Some of the towns, if the truth be told, have populations of 100, 200, or 300, and a great many have populations under a thousand. That type of airport is described in the report. We can understand what will be lost if they are omitted. The total cost of all class 1 airports is put down as \$155,650,000. Such airports are not suitable for commercial operations, and the report says so. They are supposed to be personal airports, consisting of two landing strips at right angles,

rather in the shape of the old carpenter's square with which all of us are familiar, and extending 1,700 feet, more or less. The report states that the class 1 airport landing strips or runways are from 1,700 to 2,000 feet in length. Manifestly that does not meet the demands of this growing situation. I have been wondering who would maintain such ports after they were built. If one is located away off in the wilderness at some small town and if the United States Government pays one-half of the cost and the State government pays one-quarter of the cost and the city pays one-quarter of the cost—at least, that is the procedure in North Carolina, although it is not the rule for the entire Republic—after the field is built, who will maintain it, who will take care of it, and who will patronize it? Possibly one or two inhabitants of the community will wish to go up in the air once or twice a week in a private plane. Some say those fields will be good for training, but who will go there to train fliers? There will not be many who will be seeking training on a small field with a 1,700-foot runway. If the people of those communities take training at such fields, they will take a very great risk, it seems to me.

So I think that without any serious detriment to this great cause we could omit that type of airport. I know the Department wants them, and I have a great deal of respect for the Department; I think they are working at the job in all earnestness. But I am saying that this matter troubles me very much. The Federal Government is being called upon to spend one-half of \$155,000,000, which is approximately \$80,000,000, to build airports of that type, but I cannot see how they can be maintained or be very useful, and they cannot even serve as feeder ports or feeder landing fields; in fact, they are not ports at all.

In the legend we find the class 2 fields written in. That appears on page 5 of the National Airport Plan. They are described as "class 2, private owner, larger type aircraft, and feeder transport aircraft." Such airfields have three landing strips. I am not a Mason, but as I see the diagram it is in the form of one of the Masonic symbols which I frequently see on the watch fobs of my friends. It is shown as an acute triangle with a straight runway across it. After all, that is a local port. I agree that it would be better than a class 1 field. Here is where the larger portion of the money is to be expended. The class 2 airports are supposed to require \$463,000,000. That is nearly half the total expenditure which is contemplated.

If we adopt the compromise we shall cut the total figure by \$125,000,000. We shall cut out all funds for the class 1 group, and we shall cut off a large sum from the class 2 fields. We shall not have interfered in the slightest degree with the class 3, class 4, or class 5 airports, which are the important ones. The class 3 airports, as designed in the National Airport Plan, provide for transport aircraft. Why should we be especially concerned about providing and maintaining a field for a man who wishes to ride around in his own plane? I do not think we can fix him up to save our lives. Airplanes



are entirely different from automobiles. The airfield is put off in the country somewhere, and the man who has a plane there has to ride out to the field, and he also has to store his plane there. He renders no public service. It is said that it will make him air-minded. Perhaps it will, but today everyone in the United States is air-minded; we have nothing to worry about on that score. Air transportation has arrived; it has arrived in full force. What we have to deal with is not something which must be started, but something which is likely to develop faster than we can keep up with it.

Mr. President, I thought I might bring some statistics to the attention of the Senate today. I do not like to read statistics to Senators or anyone else, because it is very hard to carry them in mind. Yesterday I heard a Senator say that we had been subsidizing air transportation. Certainly we are not subsidizing it now insofar as air mails are concerned. Last year the United States Government made, I should say as the lowest estimate, \$25,000,000 profit from carrying the air mails. I have the data here, and I intend to put it in the *RECORD*.

Mr. President, I wish to speak of the expenditures and the possibility of recovering any of them. Insofar as the class 1 airports are concerned, we could recover scarcely a dollar. I do not know how we could recover very much from them. Some money will be recovered from class 2 ports; but we shall recover great amounts from the class 3, class 4, and class 5 airports. We have placed a tax on gasoline. The consumption of gasoline in air transportation is something perfectly amazing. This morning I telephoned the Office of Internal Revenue to find out how much revenue the United States Government is deriving from gasoline sold for air transportation. I was somewhat disappointed; they said the figures had never been broken down and segregated in that way. Of course, they should be, and I shall take some steps, as a member of the Finance Committee, to see that that is done. However, when we consider the extent of the present development, to say nothing of the future development, of transportation by air and the use in that connection of power derived from the consumption of gasoline—and in my judgment it is likely to continue to be so for 10 or 15 years to come—we find that we shall lose no money whatever, and on the other hand we shall stand a chance of recovering a great deal of the money we spend, for we shall be developing a source of revenue by means of the use of gasoline, and also revenue from income taxes.

I do not like to bring up these rivalries between the various forms of transportation. However, I may say that the *New York Times* of last Monday carried an article to the effect that the transcontinental lines had, by authority of the Government or with the approval of the Civil Aeronautics Administration, reduced passenger fares. For example, from Pittsburgh to Detroit and other points it is now possible to obtain a ticket on an airplane for a price less than it would be necessary to pay for trans-

portation on a railroad if the transportation included pullman. If one travels by day coach the rail transportation is only a little cheaper than by air. When the expense of meals saved by reason of the swiftness of air travel is considered it can be seen what advantage there is in traveling by air. We are in full sight of a real saving to the traveling public.

I have just had some information handed to me by someone in my office. It was furnished by the office of Mr. Burden, Assistant Secretary for Air, Commerce Department. The total Federal revenue from gasoline tax as applied to aviation gasoline for the years 1932 through 1944, actual, and the estimate for the first 6 months of 1945, is \$11,775,000. That figure represents revenue which was received during a period representing practically the beginning of air transportation.

Mr. BREWSTER. Is that information for a 10-year period?

Mr. BAILEY. It covers a period from 1932 to 1944, or 12 years.

We had prior to 1939 only a few airports worthy of the name. Here is the record: We had in 1939 100 of the class 3 ports, and 1 of the class 4 ports, and none of the class 5 ports. We now have in 1944 443 of the class 3 ports, 443 of the class 4 ports, and 305 of the class 5 ports.

What I am saying is, that by way of reducing passenger fares and improving airfield facilities we can make handsome returns to the traveling public. Through taxes on gasoline we can and will recover every dollar which we will spend in the cause of developing air transportation.

Mr. BREWSTER. I agree with the Senator in his last observation. The potentialities of future revenues are great. It is also true that during the first 10 or 15 years of the Federal-highway program the Government had to contribute Federal funds before the traffic could be developed.

I regret that the Senator from North Carolina has expressed doubt as to the desirability of class 1, 2, and 3 airports. From my experience in flying it is my conviction that such ports will serve in furnishing taxi service to and from the larger centers. We have no conception of the volume of traffic which will develop at the small ports. They will serve not merely individual fliers, but a very large traveling public as well. I know that in my own State that has already proven to be true, and I am sure it will be the case in other States as well. In my State plans have already been made along that line for the future.

Mr. BAILEY. It may be planned for summer weather, but I do not know who would use a one-horse port up in Maine during the winter. I am not against the class 2 and 3 airports by any means. My question is as to the class 1 landing strips.

Mr. BREWSTER. I am very glad the Senator has brought that point up, because we have one of those one-horse ports in connection with my own town, out of which flying service was conducted last winter on skis in taking various individuals to different parts of the country for winter fishing. So we are making considerable use of one of those one-

horse airports about which the Senator speaks.

Mr. BAILEY. In spite of all my weaknesses I have never been caught fishing in the wintertime, and when I am caught doing that I hope someone will take care of me. [Laughter.]

Mr. BREWSTER. I can assure the Senator that winter fishing is the finest sport in the world.

Mr. BAILEY. And the coldest. There can be no debate on that point.

Senators are familiar with the National Airport plan. I have been going over it a great deal. I thought at one time that I would put it into the *RECORD*. I refer to pages 31 to 120. There are 90 pages of names of places at which it is proposed to establish airports. If I thought that the money which is asked for was to be used to any great extent for the building of little 1,700-foot runways in remote places to be used very largely for personal use, and very little for commercial use, I would not be in favor of giving any authority to spend money for construction of that kind. I believe that we can develop some of the class 2 ports in the cities and towns which will afford patronage. We can develop the class 3 ports in cities of larger size, and then we can fully develop the class 4 and 5 ports, which are the transport ports. Class 3 ports will take a transport. I believe that such development will greatly stimulate air transportation at no cost to the Government. I believe that every dollar of this money will be recovered in gasoline taxes. I think that a great deal of it will be recovered in reducing passenger fares. I can draw no other conclusion from the statistics.

This morning I brought along with me a copy of the *Aircraft Year Book*, which obtained its statistics mainly from the Aeronautical Chamber of Commerce and the Civil Aeronautics Administration. I shall read some statistics just for the purpose of showing the Senate something of the progress of civil aeronautics in this country during recent years, such as 1942, 1943, and 1944. The air-carrier route mileage, unduplicated, in America today is 40,392 miles.

Express service runs over the same distance, 40,392 miles, and mail service is afforded on every mile.

Passenger service, 39,251 miles.

Daily average of miles flown in 1942, 301,662, and in 1944, 484,610.

The revenue miles flown were 110,102,860 in 1942 and 142,234,837 in 1944.

The passenger traffic carried in 1942 was 3,551,833 miles, and in 1944, 4,668,330 miles.

Passenger miles flown—that is one passenger carried 1 mile—in 1942, 1,481,976,639; in 1944, 2,264,282,443.

Passenger seat miles flown were 1,983,672,755 in 1942 and 2,492,893,507 in 1944.

Passenger fare per mile: 5.27 cents in 1942, and 5.35 cents in 1943. The figure is not given for 1944.

Ton-miles of mail: 21,066,627 ton-miles of mail in 1942, and 50,825,200 ton-miles in 1944.

Express and freight: Ton-miles in 1942, 11,691,208, and in 1944, 17,094,029.



Now let us come to the number of accidents with all this traffic. There were 31 accidents in 1942, 24 accidents in 1943, and 30 accidents in 1944.

Miles flown per accident: In 1942, 3,551,705; in 1944, 4,741,161. In 1944 more than a million more miles were flown per accident than in 1942.

Number of fatal accidents: Five in 1942, and five in 1944.

Number of miles flown per fatal accident: 22,020,572 in 1942, and 28,446,967 in 1944.

Fatal accidents per million miles flown: Five one-hundredths in 1942, and four one-hundredths in 1944.

Passenger fatalities: 55 in 1942, and 48 in 1944.

Total fatalities, including passengers and crew: 71 in 1942, and 58 in 1944. Only 58 people were killed in air travel in 1944.

Miles flown per accident: 3,551,705 in 1942, and 4,741,161 in 1944.

Passenger-miles flown per passenger fatality: In 1942 26,945,024, and in 1944 47,172,551.

So we can say upon this showing that air transportation is here. The thing for us to consider is what to do about it, how to guide it and direct it.

After having said that, so far as we are concerned, the Government and the people will get a great deal more money out of air transportation than air transportation will ever get out of the Government or the people. I wish at this point to say that aviation is probably the greatest development in the way of human convenience in the whole history of the world, and the greatest timesaver.

I think if we were to prepare a list of great inventions and human conveniences we might start with the wheel and then the sail, things that sent the world forward. I think the next one was the invention of money. I think the man who invented money invented the one thing in this world that is surest to make people work, if they are given an opportunity and are not paid unless they work.

Mr. MURDOCK. How about interest?

Mr. BAILEY. Interest is money, interest is the hire paid for money, and interest is the thing that makes money work and keeps it alive. If it is desired to go into it, interest is the profit within which the dollar lives, and if you take away a man's profit you destroy his capital, you destroy his money, and you destroy his incentive to work. But that is along another line.

I was going to develop the thought that when the steam engine and the automobile came we thought the highest point in human transportation had been reached, but not so. The statistics I have here show that air transportation is perfectly safe, and we all know it is exceedingly swift, as airplanes travel from 300 to 500 miles an hour. Air transportation is already inexpensive, and it is destined to be much less expensive.

So that, far from this activity drawing on the taxing power, I think it is going to be one of the greatest contributors to the public revenue. I just now showed we had obtained \$11,000,000 from the taxes on aviation gasoline, but it will not be long now before we will be getting \$11,-

000,000 of revenue from that source every year. So I am not disturbed about that.

Mr. President, I shall support the Taft amendment; I am glad the Senator from Nevada has accepted it, and I hope the Senators who asked for less will fall in line and support the \$75,000,000 proposition.

I think that argument could be made, as the Senator from Maine just now made one, about class 1 ports, but I do not think it would be any great loss to let them wait awhile. Conceding there may be something in the contention regarding class 2 ports, I do not think that we will lose in the way of progress by not developing now about half the class 2 ports. Half of them can be developed and all class 3 ports and class 4 ports and class 5 ports can be developed within the \$75,000,000 a year.

The bill has some virtue. The Government has been in the habit of giving all, but this is a 50-50 proposal. This puts it up to the States, and I hope the States will put it up to the local communities, as my State has done. North Carolina proposes to put up 50 percent as against the Government's 50 percent, and then it will divide the North Carolina 50 percent between the towns and cities which get the benefit of it. So North Carolina, after all, will put up only 25 percent as a State, and 25 percent will be put up by the localities which are benefited.

I cannot see that we should be troubled with going further along this line, and I can see a good deal of advantage in it. I like the idea of dividing with the State. If we do not divide with the State, if we do not do anything, we cannot control this instrumentality of interstate commerce. That is what it is. The Constitution expressly puts the Congress in full control of interstate commerce, and I think when it put us in full control, it put the entire obligation upon us. We must see interstate commerce through at all times. It is our function and our care.

In considering the pending bill, it should be remembered that every dollar we pay out is paid out on condition, and the conditions are very strict. We will not let the States build airports to suit themselves. We will not let them locate them to suit themselves. We will not let the localities build them. We are going to build them, under a great plan of national defense and national safety. We can afford to make a contribution in order to do that.

I could elaborate the argument, but I shall take my seat after saying merely that I do not think the suggestion of \$75,000,000 a year is extravagant. I think the Senator from Nevada was very wise in accepting it. I think it should allay all criticism.

In my opinion, the United States Government will recover in revenue every dollar it pays out, and that in the not distant future. I think the public will benefit. We are bound now to reduce the rates on mail. We cannot afford to have the Government making \$25,000,000 a year on airplane mail. The rates will have to be reduced and that will be a direct benefit to the people, and I think that in the not distant future the rates on express and on passenger traffic will actually be reduced to such an extent as

to mean a direct benefit to every man, woman, and child in the land.

Mr. AIKEN. Mr. President, I wish to speak briefly on the amendment offered by the Senator from Arkansas [Mr. McCLELLAN], and what I have to say is equally applicable to the amendment offered by the Senator from Ohio [Mr. TAFT].

In considering the pending bill I think we should face the fact that we are now entering a period of legislation which will determine whether the Congress will put its stamp of approval upon a great expansion of industry and commerce, and a raising of living standards for all people, and freedom of enterprise for all men.

The pending airport bill is only one of a great many bills having to do with a program for a greater and happier America and a better world.

It is proposed in the bill that the amount to be made available for airport construction be cut far below the amount which those who have made a complete study of the situation have said is necessary to meet the needs of a greater peacetime economy.

It is inconceivable to me, Mr. President, that any Member of the Senate should not realize the absolute necessity of expanding our system of airports as rapidly as possible so that they may be in use at the earliest possible date.

Surely, one must recognize the fact that it was American superiority in the air that enabled us to win the war as quickly as we did.

Surely, one must recognize the fact that it is American superiority in the air that is enabling our businessmen to assume a dominant position in the economic affairs of the world.

Surely, one must recognize the fact that if American industry is going to expand within our own borders, greatly increased facilities for air transportation and air travel must be provided.

Is it not clear to everyone that America must have a tremendous expansion of commerce and industry if we are to keep our economy on a sound basis?

Does anyone believe that we can go back to anywhere near a prewar national income without inviting disaster?

How can we maintain the value of the billions of dollars worth of Government bonds held by citizens of the United States on an economy much less than that which prevails even now?

No part of a program designed to expand American industry and commerce is more necessary or more vital than an expansion of air transportation to many times the amount which prevailed previous to the war.

For years, industry has crowded into our great cities. Unhealthy conditions, both social and economic, have been created through this great centralization of humanity in a few congested areas. The very safety of our country depends upon a decentralization of industry and population over the entire Nation. This cannot be done without expanding our air facilities.

I believe that the program of 3,300 airports proposed by the Civil Aeronautics Authority is none too many.



I believe that the hundred million dollars a year proposed by the bill which we are now considering is none too much for the next 5 years, and I am very sorry that the sponsor of the bill, the Senator from Nevada [Mr. McCARRAN], has seen fit to say that he will accept the reduction proposed by the Senator from Ohio.

Not only would these airports make it possible for a person to do business in any part of this country much more easily and economically than he ever has before, but their construction alone would furnish work for thousands upon thousands of men during the critical years just ahead of us.

They would furnish thousands upon thousands of permanent jobs in the form of airport management, control tower employees, aviation mechanics and maintenance men, as well as thousands of pilots.

Hundreds of thousands of our young men have become expert flyers during this war. Are we going to let them come home to learn that Congress has turned thumbs down on aviation? Are they to come home to learn that Congress has failed to provide for the expansion of industry and commerce which will mean jobs and happiness for them?

Are we going to take our stand with those boys who have spent years in all parts of the world fighting for a greater America and a better world, or are we going to stand with those groups who are so well satisfied with their own positions, financially and otherwise, that they oppose the changes which would provide greater opportunities for others?

This airport bill is one of the most important of many bills which will come before the Senate. We should pass it as it is now, without any crippling or delaying amendments whatsoever.

Our action on the pending bill will indicate whether Congress looks with favor upon creating greater opportunity for millions, or whether it fears to take the step which might conceivably require a few people to change their ways of doing business.

Mr. McCARRAN. Mr. President, I suggest the absence of a quorum.

Mr. GURNEY. Will the Senator withhold his suggestion for a moment?

Mr. McCARRAN. I withhold it.

Mr. GURNEY. I am in hearty accord with the necessity for the proposed legislation. I believe I have only one suggestion to offer, in the shape of a short amendment.

After studying the bill and listening to the debate, I feel that there is not provided a vehicle for our State agencies to come to the Administrator. Of course, I notice in the bill that the Administrator is told to consult the State agencies, but there is no absolute ticket for the State agencies to get to the Administrator, and present their views. So I wish to suggest an amendment on page 35, line 8.

Mr. McCARRAN. I wish to call the Senator's attention to the fact that a point of order must be raised, because there is an amendment now pending. So far as I am concerned, I have no objection to the consideration of the Senator's amendment at this time or at any

other time, because I have discussed it with the Senator, and know what it is.

Mr. GURNEY. I was under the impression that, since the Senator was calling for a quorum, the pending amendment had been acted on. Of course, I shall wait until it is acted on.

Mr. McCARRAN. I am sorry, but the parliamentary situation is such as to prevent what the Senator has in mind to do at this time.

Mr. JOHNSTON of South Carolina. Mr. President, I have listened with a great deal of interest to what the Senator from Nevada [Mr. McCARRAN] has had to say about the pending bill. I also listened with great interest to the statement made by the Senator from North Carolina [Mr. BAILEY]. I agree with what he said in reference to our enormous national debt at this time, and that every appropriation which comes before the Senate should be studied by us carefully before we increase the indebtedness of the United States. That is something we should at all times take into consideration.

I am also glad that an amendment to the bill has already been adopted giving to the States of the United States the right to say where the money shall be spent.

The legislature of my State, South Carolina, in 1935, passed an aeronautics bill making it a criminal offense to spend any money on any airport unless approval by the aeronautics commission was first secured, and anyone failing to do so can be imprisoned for 90 days and be made to pay a fine of \$500. That is out of the question at the present time because of the adoption of the amendment to the bill now before the Senate.

I am glad the Senator from Nevada has agreed to reduce the amount provided by the bill from \$100,000,000 to \$75,000,000 each year for the next 5 years. I say that because I believe \$75,000,000 each year will be sufficient. I do not believe \$50,000,000 each year would be enough. I agree with the statement made by the Senator from Nevada that if we reduce the amount to \$50,000,000, it would cripple the program for building airports throughout the United States.

Therefore, I hope, Mr. President, that the Senator from Arkansas [Mr. McCLERLAN] will withdraw and not urge his amendment, which would reduce the amount to \$50,000,000 each year.

Mr. President, I have had a little experience as a result of sitting in with the South Carolina Aeronautics Commission and finding out how expensive it is to build airports. From that experience I would say that \$50,000,000 could be spent in the United States almost before those engaged in providing for airports would know what they were doing. Therefore I believe that \$75,000,000 a year is not too much. At the same time, I believe it is a proper amount to provide, taking into consideration the enormous debt of our Government at the present time. Seventy-five million dollars a year will allow us to move forward on a program of aviation which will benefit all the people of the United States.

Mr. AUSTIN. Mr. President, I rise to ask some questions of the distinguished Senator from Nevada, who is the author

of the bill, and with whom I have been associated for many years in dealing with the subject of air commerce. I think there is a point which ought to be clarified by a colloquy, and for that purpose I ask indulgence to read certain parts of the bill before I ask the questions. It will not take me long, Mr. President.

My questions are based on the assumption that the Civil Aeronautics Administration has the power under the act of 1938 to change the standards in the national-airport plan; indeed, that it has authority to change them tomorrow if it sees fit. That basic power being so great, it is important, I believe, to bring out and emphasize the fact that it can be exercised if this bill is passed only if the Congress at some future time amends the bill. That is, it can be exercised with reference to the classification of airports into 1, 2, 3, 4, and 5.

To make clear the reason for this interrogatory I must say that I have had complaint that if Senate bill 2 were passed without change it would be a simple matter in 2 or 3 years to drop the dividing line down to class 3 fields, then to class 2, and soon, through inability to exercise a voice in the matter, the State could easily find itself the unwilling recipient of an assortment of airfields which would bring satisfaction to no one but a boondoggler. The McCarran bill would apply to "the then current revision of the national airport plan."

I now call attention to the following provisions in the bill concerning which I wish the distinguished Senator from Nevada would make a statement. On page 29 of the bill, beginning in line 9, there are two paragraphs defining or describing these classifications by reference to the Civil Aeronautics Administration bulletin Airport Design, of April 1, 1944. They are as follows:

(f) "Class 3 and smaller airports" means all airports which, as to size, lay-out, and facilities, are not properly classifiable as class 4 or higher class airports according to the airport classification standards of the Administrator stated in Civil Aeronautics Administration bulletin Airport Design dated April 1, 1944.

(g) "Class 4 and larger airports" means all airports which, as to size, lay-out, and facilities, are properly classifiable as class 4 or higher class airports according to the airport classification standards of the Administrator stated in Civil Aeronautics Administration bulletin Airport Design dated April 1, 1944.

Now, please refer to page 33, where there will be found the following, beginning in line 3 and ending in line 10:

For purposes of this act, a project shall be considered one for development of an airport of a certain class if, upon completion of the airport development proposed, the airport so developed would be properly classifiable as of that class according to the airport classification standards of the Administrator stated in Civil Aeronautics Administration bulletin Airport Design dated April 1, 1944.

That still remains in the bill unaffected by the amendment adopted yesterday.

But the particular section to which the criticism refers, namely, "the then current revision of the National Airport Plan," is on page 36, beginning in line 19:

(b) State program: After deducting from the amount of each appropriation available



for grants the amount thereof that may be granted for projects in the urban program, the remainder shall be available for the development of class 3 and smaller airports under the State program, as proposed in the then current revision of the national airport plan.

I shall not read the remainder of it, because it is unnecessary for my point.

The last sentence quoted was stricken yesterday by the Brewster amendment, so there no longer remains before us any reference in the bill—unless the distinguished Senator can point one out which I have overlooked—to the "then current revision" of the National Airport Plan. What I should like to ask the Senator is this: Is it a correct interpretation of the bill that, notwithstanding the power given by the act of 1938 to the Civil Aeronautics Administration, this bill, if it becomes law, will not permit the Civil Aeronautics Administration to change the classifications of the various types of airports from the description referred to in what I have quoted?

Mr. McCARRAN. My answer is that the standards set up by the bill in paragraphs (f) and (g) on page 29 refer to the standards now fixed by the Civil Aeronautics Administration, and its authority for fixing those standards is found in the act of 1938. It could change those standards, but the change would not be effective so far as this bill is concerned. No money could be obtained under the provisions of this bill if the standards were changed.

Mr. AUSTIN. If an attempt were made to obtain an appropriation under the provisions of this bill for an airport which had been reclassified by the Civil Aeronautics Administration, would there be any law or justification for such an appropriation?

Mr. McCARRAN. This appropriation bill makes a part of it the standards now fixed by the published instrument of the Civil Aeronautics Administration; and the money which will be appropriated under the terms of this bill during the period of the program, 5 years, must be applied to the construction of airports in accordance with the standards fixed in that published bulletin.

Mr. AUSTIN. And they cannot be changed except by an act of Congress.

Mr. McCARRAN. They cannot be changed except by an act of Congress; and if they were changed by an act of Congress, reference would have to be made to this measure. So the money appropriated under the terms of this bill would apply to the old standards and not to the new standards.

Mr. AUSTIN. I thank the Senator.

Mr. ANDREWS. Mr. President, I wish to say to the able Senator who is sponsoring this measure that Florida is very deeply interested, and naturally so, because the termini of many of the large air lines are in Florida. I shall not undertake to name all of them. The great Pan American Airways System had its inception in the city of Miami. During the first 2 or 3 years of the war more persons from foreign nations entered through that port than through all the other ports of the Nation combined.

I have a telegram from the Governor of my State, Hon. Millard F. Caldwell,

who, it will be remembered, was recently an honored Member of the House of Representatives. I ask unanimous consent that the telegram be printed in the RECORD at this point as a part of my remarks, to show that Florida is ready for this program, has anticipated it, and will cooperate, even down to the municipalities.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

TALLAHASSEE, FLA., September 8, 1945.  
Senator CHARLES O. ANDREWS,  
Senate Office Building, Washington, D. C.:

Understand Senate bill 2 providing national system of airports may reach Senate floor Monday. Nineteen hundred and forty-one legislative act creating Florida Improvement Commission provides: "To advise and cooperate with municipal, county, regional, and other local agencies and officials within the State to plan for and otherwise coordinate in the development of a system of air routes, airports, and landing fields within the State and to protect their approaches; to cooperate with other State departments and with boards, commissions, and other State agencies and with appropriate Federal agencies and with interested private individuals and groups in the coordination of plans and policies for as the official agency of the State in all matters affecting aviation under any Federal laws now or hereafter to be enacted." Would be helpful in Florida if national legislation is so drawn as to fully utilize this commission.

MILLARD F. CALDWELL,  
Governor.

Mr. McCARRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HOEY in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hart	O'Daniel
Andrews	Hatch	O'Mahoney
Austin	Hawkes	Overton
Bailey	Hayden	Radcliffe
Ball	Hickenlooper	Reed
Barkley	Hill	Revercomb
Bilbo	Hoey	Robertson
Brewster	Johnson, Colo.	Russell
Bridges	Johnston, S. C.	Saltonstall
Briggs	Kilgore	Shipstead
Brooks	Knowland	Smith
Buck	La Follette	Stewart
Burton	Langer	Taft
Butler	Lucas	Taylor
Eyrer	McCarran	Thomas, Okla.
Capper	McClellan	Thomas, Utah
Carville	McFarland	Tobey
Connally	McKellar	Tunnell
Cordon	McMahon	Tydings
Donnell	Maybank	Vandenberg
Downey	Mead	Wagner
Ellender	Millikin	Walsh
Ferguson	Moore	Wherry
Fulbright	Morse	White
George	Murdock	Wiley
Gerry	Murray	Young
Gurney	Myers	

The PRESIDING OFFICER. Eighty Senators having answered to their names, a quorum is present.

Mr. McKELLAR. Mr. President, I wish to call the attention of the Senator from Nevada to section 10 on page 40, in regard to grant agreements. It reads in part as follows:

Each such offer shall state a definite amount as the maximum obligation of the United States and shall stipulate the obligations to be assumed by the State airport agency or project sponsor. If and when any such offer is accepted in writing by the State airport agency or project sponsor to which

it is made, such offer and acceptance shall comprise a grant agreement constituting an obligation of the United States. Unless and until such a grant agreement has been executed with respect to a project under this act, the United States shall not pay, nor be obligated to pay, any portion of the project costs which have been or may be incurred in carrying out that project.

That would imply that if a grant agreement is made, there will be an obligation upon the United States to appropriate the money therefor.

In answer to that point, in speaking to the distinguished Senator in charge of the bill, he called my attention to subsection (b) on page 39, which reads as follows:

(b) All such projects shall be subject to the approval of the Administrator, which approval shall be given only if the Administrator is satisfied that the project is designed to accomplish the purposes of this act, that sufficient funds are available therefor—

And so forth. With a contract which obligates the Government and if the funds are available, there is some doubt in my mind whether this language would result in by-passing the Appropriations Committee. I ask the Senator whether he will agree to the adoption of an amendment striking out the words "are available therefor", and inserting as a substitute "have been appropriated therefor."

Mr. McCARRAN. Mr. President, I shall be willing to agree to its adoption when consideration of the amendment is in order.

Mr. McKELLAR. I ask unanimous consent, Mr. President, that the amendment I have just proposed to the committee amendment be considered and agreed to at this time.

Mr. LANGER. Mr. President, will the Senator yield to me for a moment?

Mr. McKELLAR. I yield.

Mr. LANGER. Will the Senator please state his amendment again? I did not quite understand his proposal.

Mr. McKELLAR. On page 39 of the committee amendment, in line 11, after the word "funds", I propose to strike out the words "are available therefor" and insert "have been appropriated therefor."

The PRESIDING OFFICER. Is there objection to the present consideration of the amendment proposed by the Senator from Tennessee to the committee amendment?

Mr. McCARRAN. Mr. President, I have no objection to the amendment. It merely substitutes two or three words for the words "are available." I think it would mean the same thing, and the words now in the committee amendment were intended to mean the same thing; but if the Senator from Tennessee would take more comfort from the words he has suggested, I shall accept them. It is all the same to me. However, we cannot do it at this time, because another amendment is pending.

Mr. McKELLAR. The amendment I have proposed can be considered now only by unanimous consent. Inasmuch as it has been brought up at this time, I ask unanimous consent that the amendment be now considered and agreed to.



The PRESIDING OFFICER. Is there objection to the present consideration of the amendment proposed by the Senator from Tennessee to the committee amendment?

Mr. OVERTON. Mr. President, reserving the right to object, I should like to discuss the matter for a moment with the Senator from Tennessee. If we substitute for the words "are available therefor," which mean out of the whole appropriation, the words "have been appropriated therefore," that would mean that the funds would have to be appropriated for that particular project.

Mr. McKELLAR. Oh, no. I am not so sure but that the entire \$500,000,000 carried under the committee amendment as it reads at the present time would be presently available and that contracts committing the Government might be made presently for the entire \$500,000,000, and the Government would be committed under the language I first read. Therefore, in order to make it perfectly plain, and inasmuch as the Senator from Nevada has said that is what he intended, I suggest the amendment. I have in mind, for instance, the appropriation of the first \$100,000,000, thus making it available.

Mr. OVERTON. That is correct.

Mr. McKELLAR. I think it would be wise to change the language as I have suggested.

Mr. OVERTON. I differ with the Senator from Tennessee in regard to the construction. I think it would mean an appropriation made for a particular project.

Mr. President, if the Senator from Tennessee will yield to me further—

Mr. McKELLAR. Certainly; I yield.

Mr. OVERTON. I think the Senator has in mind something like the following: "That sufficient funds within the limits of appropriations made are available."

Mr. McKELLAR. I think that means exactly the same thing, and I have no objection to it.

Mr. McCARRAN. Mr. President, let me say to the Senator that perhaps even better language would be: "That sufficient funds are available therefor from appropriations made under the provisions of this act."

Mr. OVERTON. That would be better.

Mr. McKELLAR. That wording means exactly the same thing, and I am perfectly willing to accept the suggestion.

The PRESIDING OFFICER. Is there objection to present consideration of the modified amendment proposed by the Senator from Tennessee to the committee amendment?

Mr. McCARRAN. I should like to state the amendment again, Mr. President, to make sure that I understand the wording finally agreed upon: On page 39, in line 12, after the word "therefor," insert the words "from appropriations made under the provisions of this act."

The PRESIDING OFFICER. Is there objection to the present consideration of the modified amendment proposed by the Senator from Tennessee to the committee amendment? Without objection, the modified amendment to the committee amendment is considered and agreed to.

Mr. McKELLAR. Mr. President, I thank the Senator from Nevada and the Senator from Louisiana for their courtesy and cooperation.

Mr. McCARRAN. Mr. President, the question now is on the McClellan amendment to the amendment of the Senator from Ohio [Mr. TAFT]. I wish to say just a few words, and then I shall take my seat. I am willing to accept the amendment offered by the Senator from Ohio [Mr. TAFT], which would reduce the funds from \$100,000,000 a year to \$75,000,000 a year.

The amendment offered by the Senator from Arkansas to the Taft amendment proposes that the funds be reduced to \$50,000,000 a year. If that amendment prevails, in my judgment the whole program will be sadly wrecked, to put it very bluntly.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas [Mr. McCLELLAN] to the amendment of the Senator from Ohio [Mr. TAFT].

Mr. McCLELLAN. Mr. President, when I presented my amendment to the amendment of the Senator from Ohio, I said that I favor this legislation. In committee I voted to report the bill favorably because I think the Congress should take action in this matter and legislation of this character should be enacted. I have not changed my mind about that. I shall support this bill. I will vote for it on final passage if the provision for \$500,000,000 remains in it.

I have concluded, however, that in view of the tremendous demands which are going to be made upon this Congress for public expenditures, the time has come when we must accept greater responsibility for the financial affairs of this Government. I commend the Senator from Nevada for having submitted this measure. Basically it is sound. This Government owes an obligation to help promote the development of transportation of this character. I am in entire accord with that idea, and I shall support the measure. I have offered an amendment to reduce the authorization to \$50,000,000 a year from \$100,000,000 a year, as now provided in the bill. This amendment is in lieu of the \$75,000,000 a year which is proposed by the amendment offered by the Senator from Ohio [Mr. TAFT].

Mr. President, I have offered the amendment for this reason: The minute we pass this bill we make a definite commitment on the part of the Federal Government to spend a certain amount of money irrespective of how the program progresses, and irrespective of whether, under experience, it is ascertained that the program is too ambitious. It may be said by some, "Yes; we can reduce it at the next Congress." Yet, Mr. President, we all know that we will never reduce it. Once we pass this bill and provide for \$375,000,000, \$400,000,000, or whatever the amount may be, it will be a definite commitment on the part of the Government, in my opinion, an irrevocable commitment, in advance of knowing what the requirements may be.

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. McMAHON. Does not the Senator believe that we will be in better position to judge the progress of the program 3 years from now instead of 5 years, as the Senator suggests in his amendment?

Mr. McCLELLAN. I agree that we would be better able to judge at the end of that time. However, I am trying not to wreck this bill, even with this amendment.

Mr. McMAHON. I do not want to wreck the bill.

Mr. McCLELLAN. I know the Senator does not want to wreck it. But it has been charged that even this amendment would cripple and practically destroy the program. I refute that charge.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. OVERTON. I do not exactly understand the Senator's statement that the enactment of this proposed law would be a definite and irrevocable commitment on the part of the Federal Government to the expenditure of \$500,000,000. It would be simply an authorization to make appropriations. If, as the Senator suggests, the program unfortunately should turn out to be unsuccessful, we would have the power to curtail the program, or prevent its execution altogether, by limiting or withholding requested appropriations.

Mr. McCLELLAN. Will not the Senator also agree that the authorization which has been requested may be increased?

Mr. OVERTON. Yes. My opinion is that it should be at least \$100,000,000 a year.

Mr. McCLELLAN. Of course, there is a difference of opinion about that. I assert that the best procedure to follow is to start on a program which we can all agree will be justified by the situation as it now exists. As experience is gained in handling the program, if more money is needed I will join with every other Senator in voting for an adequate appropriation, because I am interested in this program. I want to see it successfully developed. But I assert to my colleagues that the time has come for Congress to count dollars and not appropriate them recklessly, or make authorization for commitments farther down the road than the distance we can now see and fully comprehend.

Mr. BARKLEY. Mr. President, if the Senator will yield, as an instance of how easy it is for Congress not to appropriate as much money as it has previously authorized, I can cite the authorization of \$75,000,000 last year by Congress to help local communities, cities, States, and so forth, to make plans for the postwar period. When the matter of appropriation reached the House it provided only \$5,000,000 of the \$75,000,000 which had been asked for, and when it got to the Senate we were able to increase it only to \$35,000,000, or less than half of what we had authorized. It is not at all hard for Congress to appropriate less than it has previously authorized. I am sure that Congress will exercise the same judgment in determining from year to year whether it should appropriate the entire amount that will be authorized



when we pass this bill, even if the Senator's amendment is adopted.

Mr. McCLELLAN. The Senator from Kentucky has pointed out one instance on one side of the argument, but I am sure that with his long years of experience he could point out many instances on the other side of this issue.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. RUSSELL. The Senator from Kentucky has selected one occasion to illustrate his point. As a rule, when an authorization is fixed at a certain amount, the argument is invariably made that Congress has held out to the communities, to the States, and to the subdivisions of Government, for example, the assurance that if they would prepare their plans Congress would appropriate a certain amount of money.

Mr. McCLELLAN. And when the authorization is made it is a definite commitment.

Mr. RUSSELL. Nine times out of ten the argument to which I have referred was persuasive because it was advanced by those who had pet projects. They would come forward and say in effect, "You told us that if we would appropriate a certain amount we would be able to get money from the Government to complete the project."

Mr. McCLELLAN. Mr. President, the passage of this bill will be a definite commitment on the part of the Government that if the communities throughout the United States will meet the conditions established in the judgment of the Administrator we will be under a moral if not a legal obligation to make the appropriation to cover the expenses incurred.

Mr. BARKLEY. The Senator said that I picked out one solitary example.

Mr. McCLELLAN. I did not use the word "solitary."

Mr. BARKLEY. Well, whatever the word was, he thought I did not have much ground to stand on. I dare say that in the majority of the years during which we have appropriated for highways since we enacted the good-roads legislation in 1916, Congress appropriated less than the amount which had been authorized. It was not done invariably, but there were many years in which the amount of the appropriation was not as much as the authorization would have permitted.

Mr. McCLELLAN. Will the Senator from Kentucky point out one instance in which Congress reduced an authorization which had been made?

Mr. BARKLEY. No; I would have to examine the entire history of Congress in order to do that. However, I have been interested in road legislation ever since I came to Congress. I do know that frequently Congress did not appropriate all the money which it could have appropriated under the authorization, even for highways.

Mr. McCLELLAN. The point that I am trying to make is that I realize that the Congress can make appropriations for a less amount than the authorizations, but if a demand is made we are under moral obligation to make the appropriation. Congress can and does in-

crease authorizations. When, after experience has been had in connection with a particular program, it develops that the initial authorization by Congress is not adequate, Congress has from time to time increased the authorization. That is the safe way to proceed. It is a sound procedure for the Congress to follow.

Mr. RUSSELL. Mr. President, the Senator from Kentucky is, of course, more familiar with all details of legislation than perhaps any other Member of this body, because he is charged with the responsibility of handling legislation from the standpoint of the leader of the majority.

Mr. BARKLEY. I am not as familiar with appropriations as is the Senator from Georgia, because he is on the Appropriations Committee.

Mr. RUSSELL. Nevertheless, the Senator from Kentucky keeps himself informed as to all matters of the kind under discussion. I assert, however, that the illustration with reference to the road program is very inadequate. We have not made appropriations for that program within the last 8 years except to confirm commitments which had been entered into under the authorization of contracts. If the Senator from Arizona, who is the repository of all knowledge, and who is present in the Chamber, is willing to do so, I know that he can confirm my statement that under the highway legislation program when we directed the Bureau of Roads to enter into contracts involving certain amounts, it became a binding obligation on the Government of the United States and we have never failed to meet such obligation during at least the last 10 years.

Mr. HAYDEN. That is correct.

Mr. RUSSELL. Does the Senator from Arizona know of any instance during the last 10 years of Congress failing to appropriate the full amount for the contractual obligation authorized by the enabling legislation?

Mr. HAYDEN. The full amount is authorized by years. Congress does not necessarily have to appropriate for a certain year, or the next year, but as contracts mature we have never failed to provide the money.

Mr. BARKLEY. If the Senator will permit me, I have not the figures from year to year as to whether we appropriated, in each year or in all years, as much as the statute authorized. I am talking about the road program for a period of 30 years. We passed the road legislation in 1916, as I recall. We authorized an appropriation of \$125,000,000 or \$150,000,000 a year from the start. We did not for a long time appropriate all that money. The point I was trying to make was that the mere fact that we authorized a maximum of appropriation in any year for any one purpose did not mean that Congress either had to appropriate that much or that it would appropriate that much, unless it thought it was justified.

Mr. HAYDEN. If the Senator from Arkansas will yield—

Mr. McCLELLAN. I am glad to yield.

Mr. HAYDEN. I should like to call upon the Senator from Georgia as a witness to another item of road appropriations.

Mr. RUSSELL. Forest roads and trails?

Mr. HAYDEN. Yes, forest roads and trails.

Mr. RUSSELL. I am thoroughly familiar with that item.

Mr. HAYDEN. The authorization has been made year after year, and never has the Congress appropriated the full amount authorized. The House of Representatives simply will not do it.

Mr. RUSSELL. Mr. President, I did not rise to dispute the fact that there were authorizations for which appropriations had never been made. I recall that once the Committee on Appropriations made a study of that subject, and it was discovered that there were some \$6,000,000 of authorizations the Congress had made for appropriations at one time and another for which appropriations had never been made. The authorizations were on the statute books, and the appropriations had not been made.

In the case of roads, of course the Senator from Kentucky immediately confused me by going back 30 years. I cannot go back that far.

Mr. BARKLEY. I realize that when I go back 30 years I find the Senator in his cradle. [Laughter.]

Mr. RUSSELL. In the more than a decade I have been in the Senate there has never been a time when the Congress of the United States has not appropriated the total amount of the contractual authorizations for the public highway program.

Of course, Congress can adopt this authorization for \$50,000,000 or \$100,000,000, and it can fail to appropriate that much. I also might point out that under the peculiar rules of the Senate affecting the Committee on Appropriations, if we make this authorization \$50,000,000 and the Committee on Appropriations, after consideration, thinks it should be larger, it can recommend more than the \$50,000,000, and the recommendation will not be subject to a point of order, notwithstanding the fact that the authorization is limited to \$50,000,000.

Mr. BARKLEY. They would be up against the Budget, however.

Mr. RUSSELL. Oh, yes; but we know where the Budget would stand on the item under discussion. They would be for the full amount of the authorization.

My observation has been that in the ordinary run of cases it is much easier to get more money than is authorized than it is to get an appropriation cut down by as much as \$1. I think this program would be on a much safer basis if the amendment of the Senator from Arkansas were adopted and the limit were placed at \$50,000,000, than if we placed it at \$100,000,000. If \$50,000,000 is not sufficient, we can either amend the statute and increase the authorization, or the Committee on Appropriations can recommend \$75,000,000, \$100,000,000, or \$200,000,000, for this same purpose, and it would not be subject to a point of order on the floor of the Senate. Of course, if any individual Senator offered the amendment from the floor, it would be subject to a point of order.

Mr. BARKLEY. Let me give the Senator one more example, and then I shall be through.



Mr. RUSSELL. I hope the Senator will not cite another 30-year proposition, because he absolutely confused me.

Mr. BARKLEY. No; this is within the Senator's recollection. Congress authorized the construction of the Florida Barge Canal a few years ago, and never did appropriate any money for it. That is just another example of what I was saying. Congress is not a slave to its authorizations. It can do as it pleases with them after they are made.

Mr. OVERTON. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield.

Mr. OVERTON. I should like to ask the Senator from Georgia, and also the Senator from Arkansas, how they arrived at the figure \$50,000,000 as being the proper figure, rather than \$100,000,000. The record shows—and the Senator has read the record and kept up with it, and I think I am correct in the statement—that there can be easily and judiciously expended more than one hundred million dollars a year. In my opinion, there should be an authorization of \$100,000,000 a year at least, not \$75,000,000, and I think we would be perfectly safe in making the authorization. I do not see how the Senator arrives at \$50,000,000. Why not make it \$25,000,000? Many seem to take the position the amount can be increased, that Congress should make it \$10,000,000, or \$5,000,000, and subsequently Congress could increase it as the program advanced.

Mr. President, we have to go by the record, by the testimony of different witnesses who have made a thorough study of the situation. Some of them have investigated aviation throughout the United States, and it is their well considered opinion that there should be an appropriation of at least \$100,000,000 a year in order to get this program under way.

Mr. RUSSELL. Of course, if the Senator from Louisiana chooses to rely on those representing the Civil Aeronautics Administration, who, being human, wish to get all the money they can, he is at liberty to do so.

Mr. OVERTON. No; there were witnesses who were connected with aviation, there were witnesses from municipalities, there were witnesses representing every phase of American life connected in any wise with aviation.

Mr. RUSSELL. Of course, it is the old situation which has existed ever since the beginning of the Congress, that is, that the people who want money out of the Federal Treasury always make a case, and there is no one ready to controvert it. It would have been just as easy to have made a case for \$200,000,000 as for \$100,000,000. I assume the \$100,000,000 was arrived at in this fashion. All the mayors, and all the representatives of the various localities which wanted airfields, wrote to the Civil Aeronautics Administration. They considered how much it would take to build those airfields, and decided it would take \$200,000,000, the Federal Government putting up \$100,000,000 and the municipalities putting up \$100,000,000. I assume that is the way the figures were arrived at. My experience on the Committee on Appropriations in times past,

in similar cases, has demonstrated that that is frequently the way the amount of money deemed necessary for new projects is arrived at.

In my judgment—and my judgment is not founded on any evidence I have, certainly not on any special pleading, it is simply a feeling of actual caution in embarking on a program of this kind—it will be much easier for us to increase as the program goes along than to reduce if we find we are moving too fast.

Mr. President, for that reason I propose to vote for the amendment offered by the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, in my opinion if we provide for the amount I have suggested we will obtain more careful and more economic planning and a wiser expenditure of the funds. If we are merely to write the Civil Aeronautics Administration an authorization check for the amount they have asked, I think they will be far more generous and far more liberal in their program possibly, than circumstances sometimes would justify.

I do not make that charge against the Civil Aeronautics Administration, except that we know it is human nature that the more public money governmental agencies have to spend and the fewer restraints there are on them in the discharge of their duty, naturally the more liberal and more generous they are, and in some instances more careless and inefficient.

Mr. President, I merely wish to say two other things before I conclude. First, this is not a life and death issue. This is not an issue which goes to any fundamental principle, except the matter of wise legislative procedure, and that which is sound as an economical program. I believe what I have proposed is the wiser course, to make the authorization for what we can see now is fully justified. Then thereafter, if conditions warrant, and if further authorizations and expenditures are justified, Congress can and will promptly respond.

In conclusion, Mr. President, there are some who have taken the position not only on this question, but I can recall some other occasions, and I can well anticipate that we are going to hear more of it as we proceed in the postwar era, that if someone objects to spending Federal money, he is not interested in the prosperity and happiness of the American people, and is trying to cripple progress. Let me say to Senators who want to make that charge that I am not interested in their opinion about it, but I answer them by saying that I do not agree with them in what they imply that the only way this country can ever be prosperous again is through the expenditure of public funds, and by deficit spending at that. If that is the philosophy of any of my colleagues, I certainly disagree with them, and so long as I am in Congress I shall defend the idea and the philosophy that in the postwar period and hereafter, in view of our heavy national obligations, this country must as quickly as it can become self-sustaining in its public expenditures. I am willing to spend the amount of money I now propose as a deficit expenditure, if necessary, in order to advance the airport pro-

gram, a program which I think will add to the capital wealth of the Nation and enhance our prosperity on a sound basis.

Mr. President, I am not going along with those who advance the idea of simply spending money out of the Public Treasury merely for the sake of bringing temporary prosperity. I think it is morally wrong to do so. I do not believe that the present generation has a moral right to set up a standard of living or a standard of prosperity for itself, and charge to future generations the deficit which we cannot earn to support that standard.

Mr. President, I have offered my substitute amendment, and I am supporting it in an effort to try to find the middle of the road. There are others who think the authorization should be less, but I am offering it in an effort to find the middle of the road and a way to proceed safely and soundly, and without closing the door for tomorrow, or for the next session, or for the next year, or for any other time. The door will still be open whenever the justification is presented to the Congress. In my humble judgment, that is the sound and wise way to proceed with the proposed legislation.

Mr. President, I had no idea of making my amendment, which I offered yesterday to the proposed legislation, an issue, but there seemed to be considerable sentiment for reduction in the amount, and for proceeding a little more judiciously and cautiously, and since the issue has been made, I ask for the yeas and nays on my substitute amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. McFARLAND in the chair). The question is on the amendment offered by the Senator from Arkansas [Mr. McCLELLAN] as a substitute for the amendment offered by the Senator from Ohio [Mr. TAFT] to the committee amendment.

The clerk will call the roll.

The Chief Clerk called the roll.

Mr. BUTLER (after having voted in the affirmative). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. Not knowing how he would vote on this question I transfer my pair to the Senator from Idaho [Mr. THOMAS] and allow my vote to stand.

Mr. HILL. I announce that the senior Senator from Washington [Mr. MAGNUSON] is absent on important public business. I am advised that if present he would vote "nay."

The Senator from Pennsylvania [Mr. GUFFEY] is absent from the Senate on important public business. I am advised that if present and voting he would vote "nay" on this question.

I further announce that the Senator from Mississippi [Mr. EASTLAND] and the Senator from Virginia [Mr. GLASS] are absent from the Senate because of illness.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Kentucky [Mr. CHANDLER], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senators from Washington [Mr. MAGNUSON and Mr. MITCHELL], and the Senator from Montana [Mr. WHEELER] are absent from the Senate on public business.



The Senator from Florida [Mr. PEPPER] is absent on official business.

Mr. WHERRY. The Senator from South Dakota [Mr. BUSHFIELD] and the Senator from Idaho [Mr. THOMAS] are absent because of illness. The Senator from South Dakota would vote "yea" if present.

The Senator from Indiana [Mr. CAPEHART], the Senator from Indiana [Mr. WILLIS], and the Senator from Iowa [Mr. WILSON] are necessarily absent.

The Senator from Maine [Mr. BREWSTER] is detained on official business.

The result was announced—yeas 25, nays 54, as follows:

## YEAS—25

Ball	George	O'Mahoney
Bridges	Gerry	Reed
Brooks	Gurney	Russell
Buck	Johnson, Colo.	Smith
Butler	McClellan	Tydings
Byrd	McMahon	Wherry
Capper	Millikin	Wiley
Connally	Moore	
Fulbright	O'Daniel	

## NAYS—54

Alken	Hickenlooper	Overton
Andrews	Hill	Radcliffe
Austin	Kee	Revercomb
Bailey	Johnston, S. C.	Robertson
Barkley	Kilgore	Saltonstall
Elbo	Knowland	Shipstead
Briggs	La Follette	Stewart
Burton	Langer	Taft
Carville	Lucas	Taylor
Cordon	McCarran	Thomas, Okla.
Donnell	McFarland	Thomas, Utah
Downey	McKellar	Tobey
Ellender	Maybank	Tunnell
Ferguson	Mead	Vandenberg
Hart	Morse	Wagner
Hatch	Murdock	Walsh
Hawkes	Murray	White
Hayden	Myers	Young

## NOT VOTING—17

Bankhead	Eastland	Pepper
Brewster	Glass	Thomas, Idaho
Bushfield	Green	Wheeler
Capehart	Guffy	Willis
Chandler	Magnuson	Wilson
Chavez	Mitchell	

So Mr. McCLELLAN's amendment to Mr. TAFT's amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the amendment of the Senator from Ohio [Mr. TAFT] to the committee amendment on page 33, lines 16 and 17.

Mr. McCARRAN. Mr. President, as I stated before the vote on the amendment which has just been disposed of, I am willing to accept the amendment of the Senator from Ohio reducing the amount to \$75,000,000 a year.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Ohio to the committee amendment.

The amendment to the amendment was agreed to.

Mr. JOHNSON of Colorado. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment offered by the Senator from Colorado will be stated.

The CHIEF CLERK. On page 35, line 8, in the committee amendment, after the period, it is proposed to insert the following:

The Administrator shall consult with, and give consideration to the views and recommendations of, the Federal Communications Commission, and shall make all reasonable efforts to cooperate with that Commission

for the purpose of eliminating, preventing, or minimizing airport hazards caused by construction or operation of any radio station.

Mr. JOHNSON of Colorado. Mr. President, under the bill as it now stands it would appear that the Administrator of Civil Aeronautics could condemn the antenna of a radio station if he felt that it was within the "air space" required for an airport and constituted an "airport hazard." It is true that the bill provides for the filing of objections to airport applications and an opportunity for hearing. Nevertheless, final authority rests in the Civil Aeronautics Administrator. Not only would the bill affect radio stations now in operation, but it would likewise affect applications for new radio stations, because in the final analysis the Civil Aeronautics Administrator would have the say as to whether or not a station could locate in a given area. I am sure that the Congress does not desire to enact legislation of that kind. We have the Federal Communications Commission, and certainly questions of this kind should be settled between the two commissions, so that the Americans people may be fully protected.

In this connection I have before me a letter written by Paul A. Porter, Chairman of the Federal Communications Commission, addressed to the Senator from Montana [Mr. WHEELER], chairman of the Committee on Interstate Commerce. In the absence of the Senator from Montana, the letter has been handed to me to bring to the attention of the Senate. I read the letter, which is dated September 11, 1945:

FEDERAL COMMUNICATIONS COMMISSION,  
Washington, D. C., September 11, 1945.

HON. BURTON K. WHEELER,  
Chairman, Committee on Interstate  
Commerce, United States Senate,  
Washington, D. C.

DEAR CHAIRMAN WHEELER: There have recently come to the attention of the Commission a bill to amend the Civil Aeronautics Act of 1938 which is now pending before the Senate. Reference is made specifically to S. 2.

The Commission has made a study of S. 2 and is of the opinion that certain of its provisions present a possibility of conflict of jurisdiction between the Civil Aeronautics Administrator and this Commission. This possibility of conflict appears to arise from those provisions of the bill which confer upon the Administrator authority to formulate a Nation-wide zoning program for clearing and protecting aerial approaches to airports through regulation of the height and location of structures in the vicinity thereof and to promulgate reasonable standards with respect to the maximum height and location of structures within such safety areas as may be necessary to effectuate the zoning program.

As you know, heretofore this Commission and the Civil Aeronautics Administrator have effected a practicable and satisfactory plan of operation under which this Commission, before authorizing the erection or change in any radio station antenna towers, has submitted the matter to the CAA for its approval in order to minimize the creation of hazards to air navigation. The present bill, however, appears to take no cognizance of this established procedure which has worked well in practice.

Accordingly, it is respectfully suggested that a provision recognizing the interests of the Federal Communications Commission and requiring a continuation of the present practice of consultation and cooperation between

the two Commissions be included in such bill as may be finally enacted by the Senate. A draft of a proposed provision is attached.

By direction of the Commission:

PAUL A. PORTER,  
Chairman.

The amendment which I have just offered, and which has been read at the desk, is the amendment to which Mr. Porter refers.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. HATCH. I ask merely for information. I have not seen the Senator's amendment. It has been stated that under the provisions of the bill final authority would rest in the Civil Aeronautics Administrator. Under the Senator's amendment where would final authority rest?

Mr. JOHNSON of Colorado. It would be worked out between the two commissions.

Mr. HATCH. Would there be divided authority between the two commissions?

Mr. JOHNSON of Colorado. I will ask that the amendment be again read.

The PRESIDENT pro tempore. The amendment will be again stated.

The CHIEF CLERK. On page 35, line 8, in the committee amendment, after the period, it is proposed to insert:

The Administrator shall consult with, and give consideration to the views and recommendations of, the Federal Communications Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by construction or operation of any radio station.

Mr. HATCH. As I understand the amendment, the final authority would still rest in the Civil Aeronautics Administration?

Mr. JOHNSON of Colorado. Oh, yes.

Mr. HATCH. The Administrator would be required to consult with the Federal Communications Commission, and to give consideration to its views. Nevertheless, the final authority would rest in the Civil Aeronautics Administration.

Mr. JOHNSON of Colorado. The Senator's interpretation is correct.

Mr. HILL. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. HILL. In other words, if the amendment is adopted, the Administrator of Civil Aeronautics will have to consult with the Federal Communications Commission, just as the bill now prescribes that the Civil Aeronautics Administration or the Administrator shall consult with the Army and the Navy. But it will not give the Federal Communications Commission any more power or authority than is now given under the language of the bill to the Army or the Navy. The Commission simply would be consulted.

Mr. JOHNSON of Colorado. Yes; and I think that is perfectly proper.

Mr. WHITE. Mr. President, will the Senator yield to me?

Mr. JOHNSON of Colorado. I yield.

Mr. WHITE. It is rather difficult, upon a hurried reading of a proposed amendment, to understand its full significance. I am not at all sure that I understand the amendment and its



necessary implications. My only feeling about it is that it might be construed as a limitation upon existing authority of the Federal Communications Commission, rather than as an enlargement of its authority over radio transmission and radio communications. There can be no doubt that under our general radio law the Federal Communications Commission has authority over the radio frequencies which may be used by airplanes while in operation. There can be no doubt that the Federal Communications Commission has authority over the power which they may use in radio transmission. So far as the ground installations are concerned, it seems to me that if such installations conduct operations in interstate commerce at all, the Federal Communications Commission now has authority over them.

By an amendment imposing upon the Federal Communications Commission directions that it consult with and take into consideration the views of the Civil Aeronautics Administration, I should dislike to see raised any question whether we are really taking from the Federal Communications Commission a long-established jurisdiction which it has. I cannot help be a little apprehensive that that might be the result of the amendment.

Mr. JOHNSON of Colorado. Yes; but the measure the Senate is about to enact will do the very thing the Senator from Maine is worried about. Of course, I do not pose as an expert on radio law or anything of that kind; but I am fortified in my position by the statement which Mr. Paul Porter, acting in behalf of the Federal Communications Commission, has made in his capacity as Chairman of the Commission. I wish to read his letter again to the Senator from Maine. He makes the following statement in behalf of the Commission:

This possibility of conflict appears to arise from those provisions of the bill which confer upon the Administrator authority to formulate a Nation-wide zoning program for clearing and protecting aerial approaches to airports through regulation of the height and location of structures in the vicinity thereof and to promulgate reasonable standards with respect to the maximum height and location of structures within such safety areas as may be necessary to effectuate the zoning program.

Now we are giving the Administrator the power of zoning. What the Senator from Maine expresses as his fear has already occurred; the power of the Federal Communications Commission has already been limited by the provisions of the bill.

Mr. McCARRAN. Mr. President, will the Senator yield to me?

Mr. JOHNSON of Colorado. Yes; I am glad to yield to the Senator from Nevada.

Mr. McCARRAN. I have been listening to the reading of the letter or communication the Senator has presented. I notice that it does not designate any place in the bill where the results complained of would be effectuated. I am very much inclined to believe that the communication addresses itself to an entirely different bill, one which is pending before the Commerce Committee and is

known as Senate bill 1. But I am at a loss to understand what provisions of the pending bill are referred to.

Mr. JOHNSON of Colorado. He says he refers to Senate bill 2.

Mr. McCARRAN. He does; but I, as the author of the bill, am unable to see where those provisions are to be found.

Mr. JOHNSON of Colorado. He offers his proposed amendment to a specific page and line of the bill; he wishes to put it in on page 35, in line 8.

Mr. McCARRAN. Yes. That section reads in part:

In formulating and revising said plan, the Administrator shall take into account the needs of both air commerce and private flying, the probate technological developments in the science of aeronautics, the likely growth and requirements of civil aeronautics, and such other considerations as he may deem appropriate, and shall consult, and take into consideration the views and recommendations of the Civil Aeronautics Board, the several States, and their political subdivisions.

I am at a loss to know where there is anything there which would give rise to the complaint Mr. Porter has made in his communication with the Senator, because no such provision exists in the pending bill. It does exist in Senate bill 1. He may have some complaint with respect to that bill, but not with respect to the pending bill.

Mr. JOHNSON of Colorado. Mr. President, I hope the Senator from Nevada will accept the amendment.

Mr. McCARRAN. I see no particular harm at all in the amendment. So far as that is concerned, the Civil Aeronautics Administration might consult anyone, and, as was stated by the Senator on the basis of the communication he has received, they have in fact had an arrangement whereby they did consult from time to time in the past, and they have worked along that line. But there is nothing in the bill which would give rise to the suggestion which has been made.

However, I have no objection. I shall accept the amendment.

Mr. JOHNSON of Colorado. I thank the Senator.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial which appeared in the magazine *Broadcasting* on June 25, 1945, referring to this particular point, and also a second editorial appearing in the same magazine on July 9, 1945, with respect to how the new airport bill affects radio.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From *Broadcasting* magazine of June 25, 1945]

#### AIR RIGHTS—AND WRONGS

Radio and aviation, twin miracles of our era which have romped along hand in hand, are headed for domestic trouble. These two arts which use the ether are on the brink of their greatest development. Both need room. That's where the trouble brews. From the administrative standpoint, it's already here.

Television and FM, to render peak service, must have altitude for their antennas—the springboards from which their ultra-high, line-of-sight signals are bounced so as to "rain" on the Nation's homes. Air

transportation needs tremendously expanded airport facilities. Obstructions to air navigation close to airports must be avoided.

Both radio and aviation look for their home sites in areas contiguous to centers of population. Heretofore a single airport would do for even the biggest city. Post-war expansion contemplates a multiplicity of them—possibly different ones for different types of transport service. Similarly, radio must have new locations for FM and television (as well as AM) for the far-flung radio relay systems planned for networking of these new services.

We said the problem exists today. Many applications, cleared by the FCC, for new stations or modifications of existing ones and hundreds for FM and television are on file. The Civil Aeronautics Authority, interested in aviation and not in radio, is holding up clearances until Congress writes a new law for the vast airport construction program.

Such a bill, creating a \$650,000,000 fund for Federal airport aid, has been written by the very House committee charged with radio legislation. It shortly goes to the House. If that bill becomes law in its present form, it could hamstring radio's development to point of virtual strangulation. The FCC, in effect, would be superseded as the radio licensing agency, because it would be up to the CAA to decide whether a station could locate in a given area.

Beyond that, existing installations which the CAA might conclude are located at sites desirable for new airports could be condemned as "airport hazards." Should the Administrator decide to establish an airport at or near the site of an existing transmitter, he would have authority to remove, lower, or relocate.

It doesn't take clairvoyance to foresee the obstacles to radio development if this bill passes as now written. Think particularly of the flat plains areas of the Middle West where 1,000-foot antennas would be required for ultra-high transmission. Radio can't locate indiscriminately on a "what's left" basis.

The aviation industry obviously has done an able job of congressional relations. Radio, on the other hand, appears to have been caught napping. The fact that the House Interstate and Foreign Commerce Committee, which handles radio as well as aviation, would draft such a bill without even considering the effect upon radio's development certainly indicates the committee either didn't know about or wasn't impressed with radio's impending plight.

The first thing needed is to redraft the airport aid bill so the FCC will be able to continue its full licensing function without veto by CAA. Then radio must tell its story in the appropriate forums, lest it find itself smothered and suffocated by the very ether to which it gave voice.

[From *Broadcasting* magazine of July 9, 1945]  
NEW AIRPORT BILL STILL AFFECTS RADIO—CAA ADMINISTRATOR TO HAVE FINAL SAY IN TOWER REMOVAL

Although terms of a new airport bill (H. R. 3615) reported out by the House Interstate and Foreign Commerce Committee, give broadcasters the opportunity to object to removal of transmitter towers to make way for new airports, the Civil Aeronautics Administrator still would retain final authority on all decisions.

In its report the committee said it considered amendments to H. R. 3170 [*Broadcasting*, June 18] and several other pending bills. Broadcasters did not appear at hearings on the original measure, introduced by Chairman CLARENCE F. LEA, Democrat, California, of the committee. Neither did the FCC, although radio interests were involved.



Commission attorneys were studying the bill last week.

SEC. 9 (c) provides that "any public agency, persons, association, firm, or corporation" having substantial interest in any application for an airport may file with the CAA Administrator a memorandum supporting or opposing a proposed project, and a public hearing shall be accorded. The power of eminent domain is invested in the Administrator when, in his opinion, property needed for airports cannot be acquired without undue delay.

The bill does not define how much adjoining area may be acquired to eliminate hazards. Thus, it was pointed out, should a small town decide to build an airport, and the project sponsors decided that a radius of 10 miles were needed for landing and taking off airspace, the community's only radio station could be removed.

Pending before the Senate is the McCarran bill (S. 2), already reported favorably. That measure does not conform to amendments to the House bill which were intended to give broadcasters an opportunity to protest.

Mr. WHITE. Mr. President, will the Senator yield to me?

Mr. JOHNSON of Colorado. I yield.

Mr. WHITE. I wish to say a further word. I am far from satisfied about this matter, but I have had no occasion to study the text or to refresh my recollection as to the provisions of our radio law. Inasmuch as the Federal Communications Commission, through its chairman, recommends this language, and inasmuch as they either know their business or should know it, I have no disposition to contest the matter.

Mr. JOHNSON of Colorado. Mr. President, I certainly cannot answer the Senator from Maine, because I take it for granted that the Chairman of the Federal Communications Commission knows far more about the matter than I do.

Mr. McCARRAN. Mr. President, while there is a goodly attendance in the Chamber, I should like to submit an amendment which I send forward.

The PRESIDENT pro tempore. The present question is on agreeing to the amendment of the Senator from Colorado to the committee amendment.

The amendment to the amendment was agreed to.

Mr. McCARRAN. Mr. President, to the committee amendment I offer the amendment which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment to the committee amendment will be stated.

The CHIEF CLERK. On page 46 of the committee amendment, at the end of line 18, it is proposed to change the period to a colon and insert the following: "Provided, That where a State has not appropriated any State funds for airport purposes or where a State does not have legislation which permits its participation in a program through an adequate State airport agency, the Administrator shall carry out projects under this act by direct arrangements with any qualified public agency within the State."

Mr. McCARRAN. Mr. President, we are trying to amend this bill so that it may go forward at once. Necessity for immediate progress under the bill is apparent. I do not have to dwell upon that point, but in many of the States

there has been no money appropriated to go forward with the program. It seems to me that we should not have to wait 1 year, 2 years, or whatever the time may be, for the legislatures of the respective States to meet. The program should be carried forward promptly, and the Civil Aeronautics Administration should deal with any agency of the State which may be in position to handle the matter, be it the governor, a group of State officials, or whatever the agency may be. The program should be allowed to go forward at once by cooperation with the State in such a way as the State itself may designate for the time being without waiting for legislative action.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nevada to the committee amendment.

The amendment to the amendment was agreed to.

Mr. McMAHON. Mr. President, I call up for immediate consideration the amendment which I have heretofore submitted. It has been printed, and copies of it are lying on the desks of Senators.

The PRESIDENT pro tempore. The amendment offered by the Senator from Connecticut will be stated.

The CHIEF CLERK. At the end of section 21, on page 54, it is proposed to insert the following:

SEC. 22. For the purposes of sections 22 to 27, inclusive, the term "landing facilities" means all land, rights in land, aviation easements, access roads, improvements (but not including buildings), paved or otherwise improved areas, equipment and aids to navigation owned, controlled, or operated by the Federal Government, directly used or useful in connection with the landing, taking off, taxiing, and parking of aircraft, and including, without limiting the generality of the foregoing, runways, parking aprons, taxiways, lighting, communication, and landing equipment.

(b) For the purposes of sections 22 to 27, inclusive, the term "nonlanding facilities" means all land, rights in land, buildings, structures, and improvements owned, controlled, or operated by the Federal Government, directly used or useful in connection with the maintenance, servicing, storage, and operation (except landing, taking off, taxiing, and parking) of aircraft and all land, rights in land, buildings, structures, and improvements owned, controlled, or operated by the Federal Government not directly used or useful in connection with the landing, taking off, taxiing, parking, maintenance, servicing, storage, and operation of aircraft, but which are established on, adjacent to, or in connection with landing facilities as an incident to the operation thereof. Without limiting the generality of the foregoing, nonlanding facilities shall include control towers (but not such equipment and aids to navigation as may be situated therein), administration buildings, hangars, barracks, warehouses, and recreational facilities.

SEC. 23. Anything in the Surplus Property Act of 1944 to the contrary notwithstanding, all landing facilities and nonlanding facilities determined to be surplus property and not requested for use any Federal agency, pursuant to the Surplus Property Act of 1944, shall be disposed of by the Surplus Property Board or its designated Federal agent in the manner and under the terms and conditions prescribed in sections 24 to 26, inclusive.

SEC. 24. Any State in which is located surplus landing facilities or nonlanding facilities

may request the Surplus Property Board to convey the same to said State: *Provided, however, That if said surplus landing facilities or nonlanding facilities are located on or adjacent to, or in connection with, an airport which is owned, controlled, or operated by a political subdivision of a State, such political subdivision, rather than the State, shall have the paramount right to request the conveyance thereof to said political subdivision. The Surplus Property Board or its designated Federal agent shall convey on behalf of the Federal Government, all of its right, title, and interest therein to the State or political subdivision thereof requesting such conveyance.*

SEC. 25. Any State or political subdivision accepting a conveyance of surplus landing facilities or nonlanding facilities, pursuant to section 9, shall be under the following obligations:

(1) Title to the land comprising all or part of the surplus landing facilities or nonlanding facilities shall be retained by the State or political subdivision, although the same may be leased subject to the provisions of paragraphs 2 and 3 of this section.

(2) Surplus landing facilities shall be used and maintained as aeronautical facilities for the use and benefit of the public, without discrimination. Nothing in this paragraph shall prevent a State or political subdivision from leasing all or part of said surplus landing facilities: *Provided, That the same is used as aeronautical facilities for the use and benefit of the public, without discrimination.*

(3) Surplus nonlanding facilities, except the land comprising a part thereof, may be used, leased, sold, salvaged, or disposed of in any manner by the State or political subdivision as it may deem expedient: *Provided, That no use or disposition shall be made thereof which will materially interfere with or adversely affect the efficient maintenance, operation, and development of the landing facilities.*

(4) During any national emergency, the Federal Government shall have the right to make exclusive or nonexclusive use and have exclusive or nonexclusive control and possession, without charge, of the surplus landing facilities or nonlanding facilities, in whole or in part, as it may desire, to the extent that the same are then in existence: *Provided, however, That the Federal Government shall be obligated to maintain such part of the surplus landing facilities or nonlanding facilities as it may use exclusively, or over which it may have exclusive possession and control; and shall be obligated to contribute a reasonable share, commensurate with the use made by it, of the cost of maintenance of such surplus landing facilities or nonlanding facilities as it may use nonexclusively or over which it may have nonexclusive control and possession: And provided further, That the Federal Government shall pay a fair rental value for its use, control, or possession, exclusively or nonexclusively, of any improvements to the surplus landing or nonlanding facilities theretofore made without Federal Government aid.*

(5) The Federal Government shall have the right at all other times to make nonexclusive use of the surplus landing facilities, without charge: *Provided, That the Federal Government shall be obligated to pay for damages caused by its use, or if its use of the surplus landing facilities is substantial, to contribute a reasonable share of the cost of maintenance of the surplus landing facilities, commensurate with the use made by it.*

(6) Any State or political subdivision accepting a conveyance of surplus landing facilities or nonlanding facilities under the provisions of this act shall release the Federal Government without any additional consideration therefor from any and all claims



the State or political subdivision may then have against the Federal Government for restoration or other damages under any lease, or other agreement, covering the use by the Federal Government of any airport, or part thereof, owned, controlled, or operated by the State or political subdivision upon which, adjacent to which, or in connection with which, the landing facilities or nonlanding facilities were established: *Provided*, That nothing contained in this paragraph shall prevent the State or political subdivision from accepting a conveyance of surplus landing facilities or nonlanding facilities in partial settlement of such claims where the fair value of such surplus landing facilities or nonlanding facilities is less than the amount which the Federal Government is legally obligated to pay in liquidation of such claims. The Surplus Property Board or its designated Federal agent shall negotiate and execute on behalf of the Federal Government all settlements of claims of the State or political subdivision under the leases or other agreements mentioned above, and in the event such settlements include cash payments by the Federal Government in addition to the conveyance of surplus landing facilities and nonlanding facilities, the Surplus Property Board or its designated Federal agent shall make such cash payments from any appropriations which Congress may have made to it or may hereafter appropriate for this purpose.

Sec. 26. Any State or political subdivision which has requested and received a conveyance from the Federal Government of surplus landing facilities may request the Federal Government to contribute such amounts annually toward the cost of maintenance as will equal the deficit in such annual cost. If the Federal Government fails or refuses, within 6 months after such a request is made, to grant such request, the State or political subdivision shall have the right to convey to the Federal Government, without consideration or compensation of any kind, said surplus landing facilities, together with any remaining surplus nonlanding facilities conveyed in connection therewith, in the then existing condition thereof. Upon making such conveyance to the Federal Government, said State or political subdivision shall be relieved of the obligations imposed in connection therewith under section 10.

Sec. 27. Surplus landing facilities or nonlanding facilities which are not requested to be conveyed to a State or political subdivision in accordance with section 24, or which are conveyed by a State or political subdivision to the Federal Government pursuant to section 26, shall be disposed of in the manner provided by the Surplus Property Act of 1944, as the same may hereafter be amended or supplemented."

Mr. McMAHON. Mr. President, I have conferred at some length with the sponsor of the bill regarding the proposed amendment.

Mr. REVERCOMB. Mr. President, will the Senator yield to me for an inquiry?

Mr. McMAHON. I yield.

Mr. REVERCOMB. Does the amendment just read by the clerk cover all the amendments appearing in the printed copy on our desks, or merely a part of them?

Mr. McMAHON. No; it does not.

Mr. REVERCOMB. Will the Senator please explain?

Mr. McMAHON. The amendment which has been read by the clerk starts on page 3 of the amendments submitted by me, line 7, beginning with section 22. The other amendments I have not pressed because we have already acted on two of the amendments in acting on

the Brewster amendment and the Taft amendment. So I am addressing myself strictly to the paragraph on page 3, beginning with line 7.

Mr. REVERCOMB. And continuing to the end?

Mr. McMAHON. And continuing to the end, on page 9.

Mr. REVERCOMB. I thank the Senator.

Mr. McMAHON. Mr. President, I have discussed this matter at length with the Senator in charge of the bill, and he informed me yesterday that he would agree to accept the amendment which I have proposed.

Perhaps I should say a few words in explanation of what is proposed in the amendment. As I informed the Senate yesterday, I am told that very shortly hundreds and hundreds of airfields will be declared surplus by the Army and by the Navy. Some of these fields are owned outright by the Federal Government, others are owned by States and by cities but have been taken over by the Federal Government during the period of the war emergency, and millions of dollars have been expended thereon for improvements.

Mr. President, in considering any national airport plan it would seem wise indeed for us to determine how such surplus airports shall be disposed of, and I think it is most important that we restore then to the possession of the States and of the cities as quickly as possible. It was with that end in view, to plug up a hole, if you please, which I thought existed in the bill, that I suggested the amendment.

The amendment provides for a division of the property into two classifications. It provides that "the term 'landing facilities' means all land, rights in land, aviation easements, access roads, improvements—but not including buildings—paved or otherwise improved areas."

A landing area, as defined under the amendment, is the actual operating part of the field. I provide further that when the State or the city takes title to the airport it may never release title to the actual operating part of the field. The reason for that is, I think, obvious. In a future national emergency we would want those flying fields to remain unencumbered. We would not want them sold by the State or the city for a subdivision, for instance.

My amendment also provides that in a time of national emergency the Government shall have a right, without charge, to step in and use the field.

In the amendment that situation is differentiated from the accessories that go with a flying field, such as administration buildings. On some of the fields the Army or the Navy has erected barracks. My amendment provides that there shall be no strings on this kind of an improvement. Obviously we cannot tell a State or a city, if it is going to take back an airport, that it cannot move the administration building, cannot enlarge it, or take it away.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. McCARRAN. In differentiating as to the nature of the property, does the Senator propose that where the gift is made or the property is conveyed to the municipality or the State it shall carry with it the buildings thereon, and the towers and other equipment?

Mr. McMAHON. Yes.

Mr. McCARRAN. Everything that is fastened to the ground?

Mr. McMAHON. That is correct. In other words, the whole of it goes either to the State or to the city. Of course, if the Federal Government takes it away from the city in the first place, and spends a million dollars on it, it will naturally go back to the city.

The point I wish to emphasize is that we are retaining this kind of control over the landing fields on which we spent so many millions of dollars, and yet we are not tying up the buildings which are not necessary for the landing of an airplane. That is the definition which is provided for in the amendment.

Mr. LUCAS. Mr. President, if the Senator will yield, where is the title now to most of the airfields?

Mr. McMAHON. It is a little difficult to say, because I have not the figures, but I know, as the Senator knows, that the Federal Government has built hundreds and hundreds of airports. It has also taken hundreds of airports that were owned by States or by local governments.

Mr. LUCAS. I am thinking primarily of the airports which have been appropriated by the Federal Government from certain cities and municipalities. Certainly, the title remains in the city or municipality to this day, and seems to me we might run into some difficulty in attempting to retain any control under any agreement that might be made between the Federal Government and the State. I can understand that where the Federal Government has title to property there cannot be any question about retaining control, but I think there might be some difficulty in the other case.

Mr. McMAHON. I do not think so. Of course, those fields were taken under leases, and lease money in the amount of many thousands of dollars was paid. Federal Government also entered into an agreement to restore the buildings or to reimburse for any damage done.

Mr. LUCAS. I presume what I have said might depend in great measure on the terms of the lease or the terms of the agreement between the Federal Government and the State or the municipality which owned the airport.

Mr. McMAHON. Yes.

Mr. SALTONSTALL. Mr. President, will the Senator from Connecticut yield?

Mr. McMAHON. I yield.

Mr. SALTONSTALL. I should like to ask the Senator about section 26. If a State requests the Federal Government to turn over its airfield to it, why should the State then be able to ask the Federal Government to pay an annual deficit, and if it does not, within 6 months turn it back. If the State wants the airport, should it not be willing to pay for its annual maintenance? Otherwise, the Federal Government will have an annual bill for the airport. It would be better



for the Federal Government to get rid of the airport altogether, and let it go into house lots, would it not?

Mr. McMAHON. I think the Senator has raised an issue which needs explaining, and I shall be glad to try to explain it.

This will not, of course, affect any airports which are not declared surplus. The Senator understands that. Now that they are surplus, something has to be done if we want to encourage the States and the cities to see if they can make a go of operating them. If they find they cannot make a go of it, it may be that, for the purposes of national defense, we would not want the field turned into a subdivision or a cemetery. Therefore, it is provided that if they cannot make a go of it, if we refuse to contribute to the cost, it comes back to us and we can make an election as to what to do with it. But the idea is to have the airports under the jurisdiction of the cities and the States to see if they can be operated successfully.

Mr. McCARRAN. Mr. President, I draw the attention of the Senator from Connecticut to the bottom of page 8 of his amendment, as follows:

Upon making such conveyance to the Federal Government, said State or political subdivision shall be relieved of the obligations imposed in connection therewith under section 10.

Section 10 of what? Of the Senator's amendment, or of the bill? If it refers to the bill then it should be section 25.

Mr. McMAHON. I think that is an error in the numbering, and the Senator from Nevada is entirely correct.

Mr. McCARRAN. And the Senator will correct his amendment to that effect?

Mr. McMAHON. I ask unanimous consent to substitute "section 25" for "section 10", in my amendment on page 9.

The PRESIDENT pro tempore. The Senator has the right to modify his amendment.

Mr. O'MAHONEY. Mr. President, I desire to call the attention of the Senator from Connecticut to section 13 (c) of the Surplus Property Act, and ask him whether that provision has been taken into consideration in the drafting of the amendment which he now offers. Let me read the subsection:

(c) No airport and no harbor or port terminal, including necessary operating equipment, shall be otherwise disposed of until it has first been offered, under regulations to be prescribed by the Board, for sale or lease to the State, political subdivision thereof, and any municipality, in which it is situated, and to all municipalities in the vicinity thereof.

Mr. McMAHON. Yes; I will say to the Senator from Wyoming that that was taken into consideration, but there are no rules or standards laid down in this measure for action by the Surplus Property Board in disposing of these fields. There is no requirement that the Federal Government shall retain the use of the hundreds of millions of dollars worth of land or facilities it has constructed during the national emergency, for some future national emergency, nor is there any provision, as I see it, in the Surplus Property Act for any adjustment of dam-

ages which might accrue under the leases, all of which is provided for in my amendment. I can say to the Senator that I considered the provision in question, but it did not seem to me to be sufficient to cover a very pressing situation.

Mr. O'MAHONEY. It occurs to me to suggest to the Senator that the most comprehensive amendment which he has presented on the floor and which, as I take it, has not had study by the committee—am I correct in that, may I ask the Senator from Nevada?

Mr. McCARRAN. That is correct. I did not receive a copy of the amendment until yesterday.

Mr. O'MAHONEY. The proposal may very vitally affect negotiations which are already proceeding.

Mr. McMAHON. There are none now proceeding, I will say to the Senator from Wyoming, because none of these facilities have been declared surplus, and it is in order to anticipate this immediate situation that I have offered the amendment.

Mr. O'MAHONEY. I think the Senator is misinformed in that respect because I have some knowledge of negotiations which have been in progress for the acquisition of such facilities.

Mr. McMAHON. Within the continental limits of the United States?

Mr. O'MAHONEY. Yes. I wonder if the Senator would not feel that his amendment would be much more relevant if offered as an amendment to the surplus property law rather than to be offered to the pending bill? It has to do solely and wholly with surplus property, and it deals with a subject matter of such great importance to so many communities, to so many States, that I doubt very much the advisability of our acting upon it today in this summary manner.

Mr. McMAHON. I should like to call the Senator's attention to the fact that we are proposing by the bill to enact a national air policy. No account has been taken in the bill of the hundreds and hundreds of surplus fields which are going to be immediately thrown upon the market. There have been suggestions made for amending the surplus property act since I have been a Member of the Senate, but I have not seen any action yet. There has been a good deal of talk, but there seems to be very little action. My amendment deals with an immediate situation respecting one particular class of property, and it outlines what I think is a sensible plan respecting what to do with such property. It would restore it to the cities and the States and retain certain rights under the deeds which would be given.

Mr. O'MAHONEY. But that policy has already been declared by existing law. What the Senator complains about is that the regulations of the Surplus Property Board have not been in sufficient detail to develop the sort of plan which he thinks should be followed. I might very well agree with the Senator in that respect.

Mr. McMAHON. I should like to call the attention of the Senator from Wyoming to the statement made by the Senator from Maine [Mr. Brewster] yesterday. I cannot find it immediately in the Record, but I will endeavor to paraphrase it. He said that he had attended a con-

ference in Maine this summer and talked with various State and Federal officials, and no one seemed to know—although they were there talking about the disposition of airports—just how it was going to be done. I wish I could find the statement for the Senator.

Mr. O'MAHONEY. I have no doubt that is quite correct. I have heard such conversations myself. But the point I am making is that this is no time and this is not the place in which to legislate on a matter of such great importance. I should like to secure the acquiescence of the Senator from Connecticut in the suggestion I am about to make which is that the amendment be sent to the Committee on Military Affairs where amendments to the Surplus Property Act are presently under consideration. I think the matter is of such grave importance that we should not undertake to enact an eight-page amendment to the surplus property law this afternoon without the benefit of reports from the Army, the Navy, and the Surplus Property Board.

Mr. McMAHON. Is the Senator a member of the Military Affairs Committee?

Mr. O'MAHONEY. Yes; and chairman of the Subcommittee on Surplus Property.

Mr. McMAHON. Oh, I understand. If the Senator will give me his assurance that an immediate hearing can be had on this proposition I shall be quite willing to follow his suggestion. I have no desire to try to jam through, if you please, an amendment which Senators might feel they wanted further to consider.

Mr. O'MAHONEY. I should be very glad to give the Senator that assurance. I may say that the subcommittee has been awaiting the return from abroad of Mr. Symington before calling him and other representatives of the Surplus Property Board, and for the purpose of obtaining testimony upon numerous amendments to the Surplus Property Act which have been suggested. There is one in which the Senator from Illinois [Mr. Lucas] is particularly interested which has been acted upon by the Committee on Agriculture, I think unanimously, and which, after it was on the calendar, was, on motion of the Senator, referred to the Committee on Military Affairs.

Mr. LUCAS. The Senator is giving me some assurance now, I take it, that that committee is going to act immediately after Mr. Symington returns?

Mr. O'MAHONEY. I certainly will be glad to give the Senator that assurance. I may say there is on the calendar a bill reported by the Military Affairs Committee yesterday which I hope to ask the Senate to act upon this afternoon after it has disposed of the pending bill, which would create a Surplus Property Administrator in place of the Surplus Property Board, the first step in what I fondly hope will be a complete and constructive reexamination of the whole Surplus Property Act.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. BARKLEY. I might confirm what the Senator from Wyoming has stated with regard to the general revamping and overhauling of the Surplus Property



Act. It has been a feeling of a good many of us for some time that experience has made it necessary, and when the President recommended and the House passed the bill creating a single administrator, and the Senate committee on yesterday reported it unanimously, the question arose why the committee did not at the same time consider the question of amending the law. The committee—I think very properly—took the position that it was wiser to set up a single administrator. When he returns from his official mission abroad within the next few days he, in the capacity of a single administrator, can come before the committee and discuss with it necessary amendments to the law. I believe that that is a wise procedure. The Senator from Wyoming and other Senators on the committee have assured me that that will be done immediately upon his return. Of course, there is no guaranty as to what amendments will be agreed to by the committee, but the whole field will be discussed and the question thrashed out.

Mr. McMAHON. Mr. President, let me say in conclusion that I am perfectly confident of the soundness of this amendment. I think it is a thing which we ought to do without delay. However, if it were done 2 weeks from now it would be just as well as though it were done today. I am glad to accede to the Senator's request, since he is chairman of the committee, and I am pleased to have his assurance that it will be given immediate consideration. I should like to be advised so that I may appear, if that is agreeable to the Senator.

Mr. O'MAHONEY. I am sure that if the amendment is referred to the committee, the Senator will receive immediate notice.

Mr. McMAHON. I thank the Senator.

Mr. KILGORE. Mr. President, is there anything in this amendment which would in any way affect the apportionment of funds for new airports, taking into consideration the surplus airports which may be available, and which have been built over the country by the Army and Navy, so that States which do not have adequate facilities may have an equal opportunity with States in which surplus airports already exist?

Mr. McMAHON. I take it that not many airports were built in West Virginia.

Mr. KILGORE. There were none except what we built ourselves.

Mr. McMAHON. I will say to the Senator that no consideration is given to increasing the appropriation to those States which did not get what might be considered by the States a sufficient allocation.

Mr. KILGORE. There is no reason for creating a surplus of airports. Existing airports which may be declared surplus should certainly be taken into consideration in the allocation for building airports to constitute a continental chain.

Mr. McMAHON. That is why I was in favor of the \$50,000,000 provision instead of a provision for \$75,000,000 or \$100,000,000. We have airports distributed all over the country, on which we have spent hundreds of millions of dollars.

No one knows what they are or what they consist of, so far as the bill which we have before us today is concerned.

Mr. O'MAHONEY. With the understanding which has been reached with the Senator from Connecticut, I move that the pending amendment be referred to the Committee on Military Affairs for consideration in connection with amendments to the Surplus Property Act.

Mr. HILL. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. HILL. Instead of asking that the amendment be referred to the committee, which I think is a rather unusual procedure, would it not be better for the Senator to withdraw his amendment and then introduce it in the form of a bill, which could then be referred to the Committee on Military Affairs.

The PRESIDENT pro tempore. The procedure which has been suggested by the Senator from Wyoming would not be in order.

Mr. McMAHON. In view of the ruling of the Chair, I withdraw the amendment and will introduce a bill.

The PRESIDENT pro tempore. Senate bill 2 is before the Senate and open to further amendment.

Mr. GURNEY. Mr. President, I offer an amendment on page 35, line 8, to strike out the period, insert a comma, and add the following:

He shall request the airport agency of each State to submit a recommended plan of airport development for that State, which he may approve in whole or in part.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from South Dakota [Mr. GURNEY] to the committee amendment.

Mr. GURNEY. Mr. President, I believe that the proposed legislation is necessary, first, because we need airports, and second, because the Army and the Navy have built a few airports—sometimes many—in every State of the Union. In many cases the building of those airports for national defense has created a very favorable condition for certain cities in each State. Because of this favoritism, some cities having been fortunate enough to secure national airports without expending any of their own funds, there has been a demand on the part of other cities for the construction of airports with Federal funds. Therefore I believe that Congress is completely justified in enacting legislation of this kind. Because of the demand of some cities in each State which do not have airports, the demand being on their own State legislatures and Governors, State aeronautical agencies have been created in almost every State. In my State I have found that our airport agency, in cooperation with the cities, has developed a plan for airports in the State, and I am sure that the same situation obtains in every other State in the Union.

I see in the bill a complete lack of opportunity for State agencies to deal with the Civil Aeronautics Administrator. Of course, in the line just preceding the point at which my amendment would be inserted, it is provided that the Administrator shall consult with the several

States. However, I should like to have provided a vehicle which would enable the various State commissions or agencies to come to the Administrator. Further, I should like to have an invitation by Congress written into the bill, so that the agencies in each State may know that their program, whether it be complete or not, and their suggestions, will receive full consideration by the Administrator.

Mr. McCARRAN. Mr. President, I think we can get together on this amendment, if the mechanism is changed a little. I suggest retaining the period after the word "subdivisions" in line 8, and inserting a new sentence commencing with the language offered by the Senator from South Dakota, adding after the word "approve" the words "or modify."

Mr. GURNEY. The change is wholly acceptable to me.

Mr. McCARRAN. I have no objection to the amendment as modified.

The PRESIDENT pro tempore. The question is on agreeing to the modified amendment offered by the Senator from South Dakota [Mr. GURNEY] to the committee amendment, on page 35, line 8.

The amendment to the amendment was agreed to.

Mr. WHERRY. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment offered by the Senator from Nebraska will be stated.

The CHIEF CLERK. On page 28, lines 14 and 15, in the committee amendment, after the word "including", it is proposed to strike out the remainder of line 14 and all of line 15.

On page 28, lines 17 to 22, after the word "hazards", in line 17, it is proposed to change the semicolon to a comma, strike out the remainder of the paragraph, and insert "but not including the acquisition of land or the construction, alteration, or repair of airport buildings."

On page 30, line 11, it is proposed to strike out "and acquisition of property interests."

On page 30, line 15, it is proposed to change the period to a comma and add "but not including the cost of acquisition of land or the construction, alteration, or repair of airport buildings."

On page 41, lines 23 and 24, it is proposed to strike out "and the costs of acquiring property interests necessary for a project."

Mr. WHERRY. Mr. President, the amendment is self-explanatory. It would merely eliminate Federal aid so far as the construction of administration buildings and the acquisition of land are concerned. I am asking that for the reason that it would place this program on the same basis on which we appropriate funds for Federal highways. We require the States to provide the rights-of-way. If the Administrator were to approve a large airport for an urban project I feel that there might be a tendency to overbuild so far as administration buildings are concerned. If that would be the result, it would mean the expenditure of large sums of Federal money, which the States would be required to match, for the construction of large administration buildings throughout the country. I am



not saying that they should not be built. I suppose they are a part of any airport project. However, this is a new act. We are setting forth a new policy. I feel that Federal aid for airports should be in absolute harmony with the system of Federal aid for highway construction.

I notice at the bottom of page 28, in lines 21 and 22, that the construction, alteration, or repair of airport hangars is specifically excluded. I am merely proposing with respect to administration buildings and the acquisition of land what the committee proposes in regard to the construction, alteration, or repair of hangars. I see no difference. If we are to help construct administration buildings, why not help to construct hangars? If we are going to buy the right-of-way, why not build hangars? It all goes together. I offer the amendment in good faith. There is no use in delaying the bill by discussion or debate. I think the situation is perfectly clear. I am sure if Senators will check the language of the committee amendment which I have asked to have stricken and the language I have suggested for insertion, they will find that my amendment will do just what I have said. First of all, we would not extend Federal aid to build administrative buildings or alter or repair them and we would not provide Federal aid for the acquisition of land. That is all I am asking for by the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska to the committee amendment.

Mr. McCARRAN. Mr. President, if an airport is to be of any value whatever it must have an administration building. An airport which has no administrative facilities would be out in a cow pasture somewhere, and it would be of very little use to anyone. Therefore, an administration building is as essential as the airport itself. The acquisition of land is essential for the airport.

It seems to me that this amendment, coming at this late hour when there is not time for full discussion and consideration of it, should not receive the approval of the Senate.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. WHERRY. Why is provision for hangars omitted?

Mr. McCARRAN. It is omitted because the hangars are usually put in by private concerns, and belong to them, not to the airport proper.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Nebraska to the committee amendment.

The amendment to the committee amendment was rejected.

Mr. LANGER. Mr. President, will the Senator yield for a question?

Mr. McCARRAN. I yield.

Mr. LANGER. On page 37, section 8 provides for the apportionment of funds. In subsection (b), line 15, I notice that provision is made for the certification of sums which have been apportioned or reapportioned for projects within a State. I wish to ask the Senator what would happen to a State which has no public agency. Assuming that a State were in

that situation and assuming that a town in that State applied for and was allowed some of the funds, some of the allowances might be so large that other cities in the State could not get any money for that purpose.

Mr. McCARRAN. I have just offered an amendment, which has been adopted, providing that in the interim when there may be no public agency for this particular purpose within a State, the Civil Aeronautics Authority may deal with the Governor or any agency of the State.

Mr. LANGER. So the point is already covered; is that correct?

Mr. McCARRAN. Yes; the situation is covered, and such States and cities will be protected in that regard.

The PRESIDENT pro tempore. The committee amendment is open to further amendment. If there be no further amendment, the question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

The bill (S. 2) was passed, as follows:

*Be it enacted, etc., That this act may be cited as the "Federal Aid Airport Act."*

#### DEFINITIONS

SEC. 2. As used in this act, unless the context otherwise requires—

(a) "Administrator" means the Administrator of Civil Aeronautics.

(b) "Airport" means any area of land or water which is designed for the landing and take-off of aircraft and all appurtenant areas necessary for buildings or other airport facilities or rights-of-way.

(c) "Airport development" means (1) any construction work involved in constructing, improving, or repairing an airport or portion thereof, including the construction, alteration, and repair of airport administrative buildings and the removal, lowering, relocation, and marking and lighting of airport hazards; and (2) any acquisition of lands or property interests, air rights, or aviation easement therein which is necessary to permit any such construction work or prevent or limit the establishment of airport hazards, but does not include the construction, alteration, or repair of airport hangars.

(d) "Airport hazard" means any structure or object of natural growth located on or in the vicinity of an airport, or any use of land near an airport, which obstructs the airspace required for the flight of aircraft in landing or taking-off at the airport or is otherwise hazardous to such landing or taking-off of aircraft.

(e) "Class 3 and smaller airports" means all airports which, as to size, lay-out, and facilities, are not properly classifiable as class 4 or higher class airports according to the airport classification standards of the Administrator stated in Civil Aeronautics Administration Bulletin "Airport Design" dated April 1, 1944.

(f) "Class 4 and larger airports" means all airports which, as to size, lay-out, and facilities, are properly classifiable as class 4 or higher class airports according to the airport classification standards of the Administrator stated in Civil Aeronautics Administration Bulletin "Airport Design" dated April 1, 1944.

(g) "Military or naval aircraft" means aircraft owned and operated by the United

States Army, the United States Navy, the United States Coast Guard, or the United States Marine Corps.

(h) "Population" means the population according to the latest decennial census of the United States.

(i) "Project" means a proposal for the accomplishment of certain airport development with respect to a particular airport.

(j) "Project costs" means all necessary costs involved in accomplishing a project under this Act, including those of making field surveys, preparation of plans and specifications, supervision and inspection of construction work, procurement of the accomplishment of such work by contract, and acquisition of property interests, and also including administrative and other incidental costs incurred by a State airport agency or project sponsor specifically in connection with the accomplishment of a project, and which would not have been incurred otherwise.

(k) "Public agency" means any agency of the Federal Government or of a State, any municipality or other political subdivision, any body politic or public corporation supported by taxes, or any department, commission, board, or official of a municipal or county government, which in the opinion of the Administrator has adequate powers and is suitably equipped and organized to satisfy the requirements of the Administrator for participation in the Federal-aid airport program herein authorized.

(l) "Public airport" means any airport which is used or to be used for public purposes without unjust discrimination, under the control of a public agency, the landing area of which is publicly owned.

(m) "State" means any State of the United States of America, excluding the District of Columbia.

(n) "State airport agency" means any department, commission, board, or official of a State government, which in the opinion of the Administrator has adequate powers and is suitably equipped and organized to satisfy the requirements of the Administrator for participation in the Federal-aid airport program herein authorized.

(o) "State funds" means any funds, other than Federal funds, which are available to a State airport agency or project sponsor for expenditure under this Act, including any funds contributed to it by any other non-Federal public agency for use in matching the Federal funds made available for a particular project.

#### AIRPORT SERVICE

SEC. 3. The Federal-aid airport program authorized by this act shall be administered by the Administrator through an Airport Service which shall be responsible for carrying out all the functions of the Administrator relative to airports and landing areas under sections 301, 302, 303, 306, and 307 of the Civil Aeronautics Act of 1938, as amended (49 U. S. C. 451, 452, 453, 456, and 457).

#### FEDERAL-AID AIRPORT PROGRAM

SEC. 4. In order to bring about the establishment of a Nation-wide system of public airports adequate to meet the present and future needs of civil aeronautics and to promote the interests of national defense, the Administrator is hereby authorized, within the limits of available appropriations made therefor by the Congress, to make grants of funds to the States for the development of public airports as hereinafter provided in amounts not to exceed 50 percent of the allowable project costs of each project, except as otherwise provided in section 9 of this act. The State airport agency receiving a grant may use to match such grant any public funds available for the purpose. For purposes of this act, a project shall be considered one for development of an airport of



a certain class if upon completion of the airport development proposed, the airport so developed would be properly classifiable as of that class according to the airport classification standards of the Administrator stated in Civil Aeronautics Administration Bulletin "Airport Design" dated April 1, 1944.

#### APPROPRIATION AUTHORIZATIONS

SEC. 5. For the purpose of carrying out the Federal-aid airport program authorized by this act, there is hereby authorized to be appropriated to the Administrator, out of any moneys in the Treasury not otherwise appropriated, \$75,000,000 for the first fiscal year, following the enactment of this act and \$75,000,000 for each of the four successive fiscal years thereafter, to remain available until expended, of which not to exceed 5 percent shall be available to the Administrator for all necessary planning and research and for all necessary expenses incident to the administration of this act, including the objects specified in section 204 of the Civil Aeronautics Act of 1938, as amended (49 U. S. C. 424). There is also hereby authorized to be appropriated to the Administrator, immediately upon passage of this act, \$3,000,000 for preliminary planning and surveys preparatory to commencement of the program. The first postwar fiscal year shall be that fiscal year which ends on June 30 following the date proclaimed by the President as the termination of the existing war emergency, or following the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, or following the date on which the Congress by a concurrent resolution of the two Houses finds as a fact that the war emergency heretofore referred to has been relieved to an extent that will justify proceeding with the airport program provided for by this act, whichever date is the earliest.

#### NATIONAL AIRPORT PLAN

SEC. 6. The administrator is hereby authorized and directed to prepare, and revise annually, a national plan for the development of public airports, which plan shall specify, in terms of general location and type of development, all the airport projects considered necessary to provide a Nation-wide system of public airports adequate to anticipate and meet the needs of civil aeronautics and to promote the interests of national defense. In formulating and revising said plan, the Administrator shall take into account the needs of both air commerce and private flying, the probable technological developments in the science of aeronautics, the likely growth and requirements of civil aeronautics, and such other considerations as he may deem appropriate, and shall consult, and take into consideration the views and recommendations of the Civil Aeronautics Board, the several States, and their political subdivisions. He shall request the airport agency of each State to submit a recommended plan of airport development for that State, which he may approve or modify in whole or in part. The Administrator shall consult with, and give consideration to the views and recommendations of, the Federal Communications Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by construction or operation of any radio station. The Administrator shall also consult, and consider the views and recommendations of, the War and Navy Departments as to the extent to which existing facilities constructed for national defense purposes may be made available in whole or in part for civilian use and as to what public airport development is needed for national defense, to the end that all such development included in the said plan and program may be as useful for national defense as is feasible. In carrying out this section, the Administrator is au-

thorized to make such surveys, studies, examinations, and investigations as he may deem necessary.

#### APPORTIONMENT OF FUNDS

SEC. 7. (a) As soon as possible after the beginning of each fiscal year 65 percent of all Federal funds available for grants during that fiscal year shall be apportioned by the Administrator among the several State airport agencies, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States. All sums so apportioned for a State shall be available to pay the pro rata share of the United States of the allowable project costs of authorized projects for the development of class 3 and smaller airports in that State. The remaining 35 percent of the Federal funds available for grants during such fiscal year shall be apportioned to State airport agencies to pay the pro rata share of the United States of allowable project costs of such approved projects for the development of class 4 and larger airports in urban areas, as hereinafter provided.

(b) At least 2 months prior to the close of each fiscal year, the Administrator shall submit to the Congress a request for authority to undertake during the next fiscal year those of the projects for the development of class 4 and larger airports, included in the then current revision of the national airport plan formulated by him under section 6 hereof, which, in his opinion, should be undertaken under the urban program during that fiscal year, together with an estimate of the Federal funds required to pay the share of the United States under this act on account of such projects. In determining which projects to include in such a request, the Administrator shall consider, among other things, the relative aeronautical need for and urgency of the projects included in the plan and the likelihood of securing satisfactory sponsorship of such projects as required by the sponsorship requirements prescribed by him. In allocating and granting any funds that thereafter may be appropriated for the carrying out of such program during the next fiscal year, the Administrator shall consider the appropriation as granting the authority requested unless a contrary intent shall have been manifested by the Congress, and no such allocations or grants shall be made unless so authorized.

(c) Upon making an apportionment or reapportionment, as provided herein, the Administrator shall certify to the Governor of each State, and to any public agency having requested such certification, the sums which he has so apportioned or reapportioned for projects within each State for the current fiscal year.

(d) All moneys apportioned hereunder shall be available as apportioned until the close of the fiscal year following the fiscal year for which the apportionment was made. Any apportioned amount which has not been granted at the end of the period during which it is available as apportioned under the terms of this section shall be reapportioned within 60 days thereafter, on the same basis as provided in subsection (a) of this section, among the States in which substantially all currently apportioned funds have been matched by the State funds, and which have satisfied the Administrator prior to the close of the preceding fiscal year of their desire and ability to so match funds in excess of the annual apportionment. All sums so reapportioned shall be certified to the Governors of the States in the same way as if they were being apportioned under this act for the first time.

#### SUBMISSION AND APPROVAL OF PROJECTS

SEC. 9. (a) Any State airport agency representing a State which has complied with the provisions of this act and desires to avail itself of the benefits of the program

may submit to the Administrator project applications in such form as may be prescribed by the Administrator, setting forth the airport development proposed to be undertaken. Without exception, such projects shall include only such airport development as is included in the then current revision of the national airport plan formulated by the Administrator under section 6 hereof, and all such proposed development shall be in accordance with standards established by the Administrator, which shall include standards for site selection, airport layout, grading, drainage, seeding, paving, and lighting. Each project application shall be accompanied by such plans, specifications, forms of contract, cost estimates, and other supporting materials as the Administrator may require.

(b) All such projects shall be subject to the approval of the Administrator, which approval shall be given only if the Administrator is satisfied that the project is designed to accomplish the purposes of this act, that sufficient funds are available therefor from appropriations made under the provisions of this Act, that the project will be completed without undue delay, and that all sponsorship requirements prescribed by or under the authority of this act have been or will be met. No project shall be approved by the Administrator with respect to any airport unless a State or a public agency holds good title, in form satisfactory to the Administrator, to the landing area of such airport or the site therefor, or gives assurance satisfactory to the Administrator that such title will be acquired. Unless and until a project is so approved either as originally proposed or as subsequently revised, the United States shall not pay, nor be obligated to pay, any portion of any costs in connection with such project.

(c) If the Administrator approves any such project, he shall notify the State airport agency. The share of the United States, payable under this act on account of any such project shall not exceed 50 percent of the total estimated project costs thereof: *Provided*, That in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 percent of the total area of all lands therein, such share payable to the State airport agency shall be increased by a percentage of the project cost equal to one-half the percentage that the area of all such lands in such State is of its total area.

#### GRANT AGREEMENTS

SEC. 10. Upon approving a project as provided in section 9, the Administrator shall transmit to the State airport agency an offer in behalf of the United States to pay 50 percent of the allowable project costs of said project, or such larger share as may be required by the provisions of section 9, on such terms, and subject to such conditions, as the Administrator may deem necessary to meet the requirements of this Act and the regulations prescribed hereunder. Each such offer shall state a definite amount as the maximum obligation of the United States and shall stipulate the obligations to be assumed by the State airport agency. If and when any such offer is accepted in writing by the State airport agency to which it is made, such offer and acceptance shall comprise a grant agreement constituting an obligation of the United States. Unless and until such a grant agreement has been executed with respect to a project under this act, the United States shall not pay, nor be obligated to pay, any portion of the project costs which have been or may be incurred in carrying out that project.

#### ALLOWABLE PROJECT COSTS

SEC. 11. Notwithstanding any other provisions of this act, the United States shall not pay, nor be obligated to pay, any portion of a project cost incurred in carrying



out a project, unless the Administrator has first determined that said cost is allowable. A project cost shall be allowable under this act provided—

(a) It was incurred in accomplishing airport development in conformity with approved plans and specifications for an authorized project;

(b) It was incurred subsequent to the execution of a grant agreement with respect to the project in connection with which it was incurred, except that necessary costs of preparing a project, including those of field surveys and the preparation of plans and specifications, and the costs of acquiring property interests necessary for a project, may be allowable even though incurred prior to the execution of the grant agreement for such project, if incurred subsequent to the passage of this act; and

(c) It is reasonable in amount, in the opinion of the Administrator: *Provided*, That if the Administrator determines that a project cost is unreasonable in amount, the amount which he determines would have been reasonable shall be an allowable project cost under this act.

The Administrator is authorized to prescribe such rules and regulations with respect to the auditing of project costs and other matters which he may deem necessary to effectuate this section.

#### METHOD OF CONSTRUCTION; WAGES AND HOURS

SEC. 12. (a) The construction work and labor in each State shall be done in accordance with its laws, and under the direct supervision of the State airport agency, subject to the inspection and approval of the Administrator and in accordance with the rules and regulations made by him pursuant to this act: *Provided*, That a State airport agency may utilize the construction services of other public agencies qualified to perform or supervise the work, including other State agencies: *Provided further*, That all contracts pursuant to this act which involve labor shall contain provisions establishing minimum rates of wages, to be predetermined by the State, which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work. Such rules and regulations shall require such cost and progress reporting by the State airport agency to the Administrator as the Administrator may by regulation prescribe.

(b) All contracts let for construction projects and all loans and grants pursuant to this act shall contain such provisions as are necessary to insure (1) that no convict labor shall be employed on any such project; (2) that (except in executive, administrative, and supervisory positions), so far as practicable and feasible, no individual directly employed on any such project shall be permitted to work more than 40 hours in any one week; (3) that in the employment of labor in connection with any such project (except in executive, administrative, and supervisory positions), preference shall be given, where they are qualified, first, to persons honorably discharged from the military service of the United States, as defined in section 101 (1) of the Soldiers' and Sailors' Relief Act of 1940, and then to citizens of the United States and aliens who have declared their intention of becoming citizens, who are bona fide residents of the State in which the work is to be performed: *Provided*, That these preferences shall apply only where such labor is available and qualified to perform the work to which the employment relates.

(c) The acquisition of articles, materials, and supplies, wholly or in part with funds appropriated pursuant to this act, shall be subject to the provisions of section 2, of title III of the Treasury and Post Office Appropriation Act, fiscal year 1934; and all contracts let pursuant to the provisions of

this act shall be subject to the provisions of section 3 of title III of such act.

(d) Any allocation, grant, or other distribution of funds for any project, pursuant to this act, shall contain stipulations which will provide for the application of title III of the Treasury and Post Office Appropriation Act, fiscal year 1934, to the acquisition of articles, materials, and supplies for use in carrying out such project.

#### GRANT PAYMENTS

SEC. 13. The Administrator is authorized to prescribe rules and regulations governing the manner in which payments shall be made under grant agreements executed pursuant to section 10: *Provided*, That no advance payments shall be made, except that partial payments may be made as work progresses or project costs are incurred, in such amounts, and at such times, as the Administrator may deem advisable. All grant payments shall be made to such official, or officials, or depository, as may be designated by the State airport agency entitled to such grants, and authorized under the laws of the State to receive public funds.

#### ELIGIBILITY OF STATES

SEC. 14. (a) To be eligible for participation in the benefits of the program, a State shall, except as provided in subsection (b) of this section, satisfy the Administrator that it meets the following requirements for such participation:

(1) Its legislature shall have assented to the provisions of this act and to its acceptance of Federal airport aid on the terms and conditions prescribed by the Administrator hereunder: *Provided*, That until the final adjournment of the first regular session of the legislature of such State convening after approval of this act, the assent of the Governor of the State shall be sufficient.

(2) The State shall have a State airport agency as defined herein.

(3) The State shall have adequate legislation for the prevention and removal of airport hazards by airport zoning under the State police power and the acquisition of property or air rights or aviation easements therein.

(4) The State shall have taken adequate steps to insure that all airports developed within the State under the program will be operated and managed in the public interest without unjust discrimination in favor of or against any person or class of persons.

(5) The State shall have taken adequate steps to insure the proper maintenance, with due regard to climatic and flood conditions, of all airports developed within the State under the program.

(6) The State shall have taken adequate steps to insure the availability each year of the State funds required for the development and maintenance of all airports developed or to be developed within the State under the program.

(b) The requirements of paragraphs (2) to (6), inclusive, of subsection (a) of this section shall be suspended during a period of three years from and after the date of approval of this act: *Provided*, That where a State has not appropriated any State funds for airport purposes or where a State does not have legislation which permits its participation in the program through an adequate State airport agency, the Administrator shall carry out projects under this Act by direct arrangements with any qualified public agency within the State.

#### PROJECT SPONSORSHIP

SEC. 15. (a) As a condition precedent to his approval of an airport project under this act, the administrator shall assure himself to the extent feasible, that—

(1) the airport will be available for public use on fair and reasonable terms;

(2) the airport and all facilities thereon or connected therewith will be suitably operated and maintained, with due regard to climatic and flood conditions;

(3) the aerial approaches of the airport will be adequately cleared and protected by removing, lowering, relocating, marking, and lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards so far as existing legislation permits;

(4) all the facilities of the airport developed with Federal aid and all those usable for the landing and take-off of aircraft will be available to the United States for unrestricted use by military and naval aircraft in common with other aircraft at all times without charge other than a charge sufficient to defray the cost of repairing damage done by such aircraft or, if the use by military and naval aircraft shall be substantial, a reasonable share, proportional to such use, of the cost of operating and maintaining the facilities so used;

(5) the airport operator or owner will furnish the Government at a reasonable rent therefor such space in airport buildings as may be reasonably adequate for use by the Government in connection with any airport air traffic control, or weather reporting, and communications activities pertinent thereto which the Government may wish to establish at the airport;

(6) all project accounts and records will be kept in accordance with a standard system of accounting prescribed by the Administrator;

(7) the airport operator or owner will submit to the Administrator such annual or special airport financial and operations reports as the Administrator may reasonably request; and

(8) the airport and all airport records will be available for inspection by any duly authorized agent of the Administrator upon reasonable request. To provide such assurance, the Administrator shall prescribe such project-sponsorship requirements as he may deem necessary, consistent with the terms of this act: *Provided*, That nothing contained in such regulations shall be construed to require any State or State airport agency to acquire any airport owned by any other public agency, to assume control over the operation of any such airport, or to sponsor a project which any other public agency is desirous of sponsoring.

#### USE OF GOVERNMENT-OWNED LANDS

SEC. 16. (a) Whenever the Administrator determines that use of any lands owned or controlled by the United States is reasonably necessary for the development of an airport under this act, or for the operation of any public airport, he shall file with the head of the department or agency having control of such lands a request that such property interest therein as he may deem necessary be conveyed to the State airport agency of the State in which the lands are located or to the public agency sponsoring the project or owning or controlling the airport, as he may designate. Such property interest may consist of the title or any lesser estate or interest in property, including any leasehold estate or aviation or other easement or right-of-way.

(b) If within a period of 4 months after such filing the said department or agency head shall not have certified to the Administrator that the requested conveyance is contrary to the public interest or inconsistent with the needs of that department or agency, the said department or agency head is hereby authorized and directed, with the approval of the President and the Attorney General of the United States, and without any expense whatsoever to the United States, to perform any acts and to execute any instruments necessary to make the conveyance requested: *Provided*, That each such conveyance shall be made on the condition that the property interest conveyed shall automatically revert to the United States in the event that the lands in question are not developed, or cease to be used, for airport purposes.



## REIMBURSEMENT FOR DAMAGE BY ARMY OR NAVY

SEC. 17. (a) The Administrator is authorized to reimburse States or public agencies for the necessary rehabilitation or repair of public airports substantially damaged by the Army or the Navy, or both. The Administrator is authorized on behalf of the United States to consider, ascertain, adjust, and determine in accordance with regulations he shall prescribe pursuant to this section, any claim submitted by any State or public agency for reimbursement of the cost of necessary rehabilitation or repair of a public airport, under the control or management of such State or public agency, substantially damaged by the Army or the Navy, or both.

(b) Such amount as may be found to be due any claimant under this section shall be certified by the Administrator to Congress for payment out of appropriations that may be made by Congress therefor. Such certification shall include a brief statement of the character of each claim, the amount claimed, and the amount allowed. No claim shall be considered by the Administrator pursuant to this section unless notice of intention to file such claim has been presented to him within 30 days after the occurrence of the damage upon which the claim is based, except that in case of damage caused by operations of a military nature during time of war such notice may be filed within 60 days after termination of the war.

## REPORTING TO CONGRESS

SEC. 18. On or before the first Monday in February of each year the Administrator shall make a report to the Congress on his operations under this act during the preceding fiscal year, which shall include detailed statements of the Federal-aid airport development accomplished, the status of each project undertaken, the allocation of appropriations, and itemized statement of expenditures and receipts, and his recommendations, if any, for new legislation amending or supplementing this act. The Administrator shall also make such special reports as the Congress may request.

## FALSE STATEMENTS

SEC. 19. Any officer, agent, or employee of the United States, or any officer, agent, or employee of any State or public agency, or any person, association, firm, or corporation who shall knowingly make any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof, in connection with the submission of plans, maps, specifications, contracts, or estimates of construction costs for any project submitted to the Administrator for approval under the provisions of this act or shall knowingly make any false statement, false representation, or false report or claim for work or materials for any project approved by the Administrator under this Act, or shall knowingly make any false statement or false representation in any report required to be made under this act, or any acts supplementary thereto, with the intent to defraud the United States shall, upon conviction thereof, be punished by imprisonment for not to exceed 5 years or by a fine of not to exceed \$10,000, or by both such fine and imprisonment.

## EXISTING AIRPORT PROGRAMS

SEC. 20. Nothing in this act shall affect the carrying out of the program for the development of public landing areas necessary for national defense, authorized by the Department of Commerce Appropriation Act, 1945, or the program for the development of civil landing areas, authorized by the First Supplemental National Defense Appropriation Act, 1944, which programs shall be additional to the Federal-aid airport program authorized herein.

## EFFECTIVE DATE

SEC. 21. This act shall take effect on the date of its approval.

## DELAY IN DISCHARGE OF OVERSEAS VETERANS

Mr. ROBERTSON. Mr. President, in common with most Senators, I find that my desk is piled high with postal cards, letters, and telegrams from servicemen and relatives of servicemen who seek discharge. This morning I received a telegram which illustrates most clearly the complete break-down and inefficiency of the present discharge system. I wish to read the telegram, for the benefit of the Senate:

SEPTEMBER 11, 1945.

HON. E. V. ROBERTSON,

Senator from Wyoming,

United States Senate,

Washington, D. C.

DEAR SIR: The following men, all overseas veterans, are now being held at Charleston Army air base. We were formerly members of the Eighth and Fifteenth Air Forces after being in England for 38 months, and the men from the Fifteenth in Italy for 2 years were transferred to Africa to ATC bases. Last month we were transferred back to the States via the so-called purple project. All of us being flown and rushed to Charleston for discharge and reassignment. Many of the men have from 85 to 131 points and a great majority are over 38 years old. We were to ship to the Fourth Service Consolidation Center namely Fort Bragg, Camp Shelby and Fort McClellan. Many of the men are ex-infantry men and gunners in the Air Forces. Quite a few men being wounded and deserve these rightful rewards which at the present time is KP, cutting the grass. We were to ship the 1st of the month and then the Fourth Service Command cancelled it till the 12th. Today it was shoved up till the 17th. All of the men have not been home expect a few on the East Coast from 2 to 4 years. We have not even had a furlough since we hit the States and the men are just about ready to go over the hill and take the consequences as they have not seen their families for nearly 4 years. We went to the air inspector who is a 26-year-old major, never overseas, and he told the two men we sent as delegates, to hold up their pants and feel sorry for the flying officers that are going to the Pacific. We were told that if we had cars we could leave for the separation center. The men are in a state of chaos and don't know where to turn. After reading your name in the papers we decided to write you this night letter. Incidentally the major who told us to hold our pants wants to stay in the Army. He can well afford it. We would just like to be treated like the men we are and given a break and treated like a soldier and not like PW's. Would appreciate it very much if you kindly acknowledge this telegram to . . . and to investigate the attitude of the Fourth Service Command toward our present situation. Would be advisable to keep the men's names secret due to Army repercussions. Thanking you for your great speeches in the papers and hoping this information can be of help to you, I am,

Respectfully,

That telegram is signed by more than 70 men 38 years of age or over, with from 85 to 131 points. The ages and points of the men signing the telegram are as follows.

- |                |                |
|----------------|----------------|
| 1. 104 points. | 7. 90 points.  |
| 2. 110 points. | 8. 106 points. |
| 3. 100 points. | 9. 109 points. |
| 4. 94 points.  | 10. 97 points. |
| 5. 99 points.  | 11. Over 38.   |
| 6. 95 points.  | 12. Over 38.   |

- |                              |                            |
|------------------------------|----------------------------|
| 13. 100 points.              | 45. 109 points.            |
| 14. 93 points.               | 46. 115 points.            |
| 15. 95 points.               | 47. 109 points.            |
| 16. 106 points.              | 48. 91 points and over 38. |
| 17. 123 points.              | 49. 98 points.             |
| 18. 122 points.              | 50. 86 points.             |
| 19. 75 points.               | 51. 119 points.            |
| 20. 75 points.               | 52. 93 points.             |
| 21. 55 points.               | 53. 93 points.             |
| 22. 121 points.              | 54. 92 points.             |
| 23. 92 points.               | 55. 95 points.             |
| 24. Over 38.                 | 56. 96 points.             |
| 25. 96 points.               | 57. 96 points.             |
| 26. Over 38.                 | 58. 85 points.             |
| 27. 110 points.              | 59. 110 points.            |
| 28. 106 points.              | 60. 103 points.            |
| 29. Over 38.                 | 61. 94 points.             |
| 30. 96 points.               | 62. 100 points.            |
| 31. Over 38.                 | 63. 95 points.             |
| 32. 95 points.               | 64. 95 points.             |
| 33. Over 38.                 | 65. Over 38.               |
| 34. 101 points.              | 66. 96 points.             |
| 35. 110 points.              | 67. 106 points.            |
| 36. 95 points.               | 68. Over 38.               |
| 37. 108 points and 39 years. | 69. 93 points.             |
| 38. 113 points.              | 70. 96 points.             |
| 39. 116 points.              | 71. 98 points.             |
| 40. 100 points.              | 72. 96 points.             |
| 41. 94 points.               | 73. 90 points.             |
| 42. 92 points.               | 74. Over 38.               |
| 43. 99 points.               | 75. 102 points.            |
| 44. 94 points.               |                            |

I have read a tabulation of the qualifications of the men for discharge, and yet they seem to be unable to receive their discharge.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. REVERCOMB. Mr. President, I thank the able Senator from Wyoming for yielding to me.

I am glad that he has read the telegram to the Senate. It is a telegram which I have heretofore seen. Its reading is certainly timely.

The Military Affairs Committee of the Senate met this morning and the very question which the Senator from Wyoming has brought up was presented to the Under Secretary of War in connection with the subject of keeping in the camps of this country men with more than 85 points. They are sometimes kept in the camps for weeks at a time. I was glad to hear the Under Secretary of War make answer to the inquiry concerning the subject, that if we would give him the names of those men he would see to it personally that they were released, or that their cases would be attended to.

Already today I have handed to the Under Secretary of War four names. I hope that the Senator from Wyoming will present immediately to the War Department the names of the men to whom he has referred. If he desires me to do so, as a member of the Military Affairs Committee I will present the names.

I can think of nothing meaner or nothing more neglectful than to return these boys to this country from long service on the battle fronts and then keep them in camps while performing KP service and other work of that kind when, under the order of the War Department, they are supposed to be released.

I hope the able Senator from Wyoming will proceed at once to present for release the names to the War Department. I express it as my own opinion that if the conditions to which reference has been made are the fault of



anyone locally, or if they are the result of a plan of anyone in authority, I trust the War Department will take proper measures not only to correct what is being done, but to see that proper disciplinary action is taken.

Mr. ROBERTSON. Mr. President, I thank the Senator from West Virginia for his offer to help obtain the release of these men. I will see that he is supplied with a complete copy of the names which were signed to the telegram, but which I did not read.

#### SURPLUS PROPERTY ADMINISTRATOR

Mr. O'MAHONEY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 555, House bill 3907. The bill is identical with a bill which was reported yesterday by the Senate Committee on Military Affairs providing for a single Surplus Property Administrator for the Surplus Property Board.

The PRESIDENT pro tempore. The bill will be stated by its title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 3907) to provide for administration of the Surplus Property Act of 1944 by a Surplus Property Administrator.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. WHITE. As I understand, this bill would do away with the Board as such, and substitute for it a single Administrator. Am I correct?

Mr. O'MAHONEY. The Senator is correct.

Mr. WHITE. And it would also transfer to the single Administrator all the power and authority which was given to the Board, and would embrace all the purposes and obligations that were given to the Board.

Mr. O'MAHONEY. Precisely.

Mr. WHITE. The bill makes no other substantial change in the law?

Mr. O'MAHONEY. It makes no other substantial change in the law. The committee was of the opinion that it was advisable not to take up various controversial amendments which would impede consideration of the measure which seems to be in the interest of efficient administration.

Mr. WHITE. If the Senator from Wyoming will yield further, I may say that I have contacted, as best I could, the minority members of the Military Affairs Committee, and I found no opposition among them to the proposal.

Mr. O'MAHONEY. Recommendation of legislation of this character was made by the President in a message dated July 7, 1945. A subcommittee of the Military Affairs Committee, having to do with the subject of surplus property, went into the matter before the Japanese surrender. The subcommittee prepared an identical bill. It was impossible, however, to get action upon it until after Congress had reassembled. The House has passed the bill for which I have moved consideration, and it remains only for the Senate to take action.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to, and the Senate proceeded to consider the bill (H. R. 3907) to provide for administration of the Surplus Property Act of 1944 by a Surplus Property Administrator.

Mr. BARKLEY. Mr. President, I wish to suggest to the Senator, inasmuch as the bill comes before the Senate with the unanimous approval of the Committee on Military Affairs, and there is practically no opposition to it, that I hope it may be disposed of this afternoon. In that event it will be the purpose to adjourn until Friday instead of until tomorrow. On Friday we may attempt to call the calendar. It is very light. Then the Senate will go over until Tuesday by which time we hope to have legislation before the Senate dealing with unemployment compensation.

Mr. GEORGE. Mr. President, I do not rise to oppose the passage of the pending bill, but merely to make a statement with respect to it.

The Special Senate Committee on Postwar Economic Policy and Planning gave careful consideration to this entire problem many months ago. As a result of the work of that committee, the bill providing for plant clearance, contract termination, and early adjustment of contracts was passed in the form very much as recommended by the committee, and in the form in which the chairman of the committee introduced the bill following the report of the special committee.

The committee also recommended the creation of the Office of Director of Mobilization and Reconversion, and with the exception of provisions relating to unemployment compensation, that bill was passed in a form very much as the committee had recommended.

The committee also, in dealing with the surplus property of the Government, suggested to the Senate a bill which the chairman of the committee jointly with another member of the Senate introduced. The recommendations of the Special Committee on Postwar Economic Policy and Planning, and the bill introduced by that committee in this body, provided for a single Administrator precisely as the President has recommended, and precisely as the Board itself has recognized, after some experience, as a necessary change in the basic law. I therefore do not oppose the measure, but heartily concur in it. There are other provisions in the surplus property law which, in my opinion, it will be necessary to correct by amendment, but I concur in the statement made by the able Senator from Wyoming [Mr. O'MAHONEY] that the committee deemed it wise not to go into any question of dealing with other provisions of the surplus property bill. I think that the Senate will concur in that view as being an altogether wise one.

Moreover—and this seems to me to be controlling—experience and recommendation of the Administrator himself, who is to be established as the sole and final authority under the Surplus Property Act, will be necessary before the Senate and the Senate committee can intelligently act with respect to further amendments to the Surplus Property Act.

So, Mr. President, I hope this bill will be passed. I realize now, and I realized it in the beginning, as I believe all Senators did, that, because of the desire to have unified authority in an effort to avoid criticism, well-founded in many instances, which would likely flow from the disposition made by any organization or agency of Government of the vast surplus property held by the Government, the board theory was injected into this discussion and finally passed this body, and after a long time in conference the board was whittled down to three, as I recall.

I think the committee has acted very wisely in following the President's recommendations, and also in refusing to go into other highly controversial provisions of the Surplus Property Act, because it will be necessary to have the advice and recommendations of the administrator himself, based upon his experience.

Mr. O'MAHONEY. Mr. President, I hope the bill may be passed.

The PRESIDING OFFICER (Mr. ELLENDER in the chair). The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading of the bill.

The bill (H. R. 3907) was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, a similar bill, Senate bill 1353, will be indefinitely postponed.

#### AUTHORIZATION TO REPORT BILLS

Mr. DOWNEY. Mr. President, I ask unanimous consent to report tomorrow, during the recess of the Senate, several bills which have been approved by the Committee on Civil Service, but reports on which are not yet ready.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

#### EXECUTIVE SESSION

Mr. O'MAHONEY. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

#### EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. ELLENDER in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

#### EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. TYDINGS, from the Committee on Territories and Insular Affairs:

Paul V. McNutt, of Indiana, to be United States High Commissioner to the Philippine Islands.

By Mr. CONNALLY, from the Committee on Foreign Relations:

Benjamin V. Cohen, of New York, to be counselor of the Department of State;

Donald S. Russell, of South Carolina, to be an Assistant Secretary of State;

William Benton, of Connecticut, to be an Assistant Secretary of State;

Brig. Gen. Frank T. Hines, United States Army, to be Ambassador Extraordinary and Plenipotentiary to Panama, to which office he was appointed during the last recess of the Senate; and

Sundry persons for promotion in the foreign service.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will proceed to state the nominations on the Executive Calendar.

#### UNITED STATES PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the Public Health Service.

The PRESIDING OFFICER. Without objection, the Public Health Service nominations are confirmed en bloc.

#### POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

The PRESIDING OFFICER. Without objection, the postmaster nominations are confirmed en bloc.

Mr. O'MAHONEY. I ask unanimous consent that the President be immediately notified of all confirmations of today.

The PRESIDING OFFICER. Without objection, the President will be forthwith notified.

Mr. REVERCOMB. Mr. President, I understand the action on the Executive Calendar just taken does not include passing on the treaties.

Mr. O'MAHONEY. No; the Senate considered merely the nominations.

The PRESIDING OFFICER. That is correct.

#### RECESS TO FRIDAY

Mr. O'MAHONEY. As in legislative session, I move that the Senate take a recess until Friday next, at 12 o'clock noon.

The motion was agreed to; and (at 3 o'clock and 44 minutes) the Senate took a recess until Friday, September 14, 1945, at 12 o'clock meridian.

#### NOMINATIONS

Executive nominations received by the Senate September 12 (legislative day of September 10), 1945:

##### THE JUDICIARY

##### UNITED STATES CIRCUIT COURT OF APPEALS

John J. O'Connell, of Pennsylvania, to be judge of the United States Circuit Court of Appeals for the Third Circuit, new position.

##### UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

Hon. Bennett Champ Clark, of Missouri, to be an associate justice of the United States Court of Appeals for the District of Columbia, vice Thurman W. Arnold, resigned.

Wilbur K. Miller, of Kentucky, to be an associate justice of the United States Court of Appeals for the District of Columbia, vice Hon. Fred M. Vinson, resigned.

E. Barrett Prettyman, of the District of Columbia, to be an associate justice of the United States Court of Appeals for the District of Columbia, vice Hon. Justin Miller, resignation effective October 1, 1945.

##### DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

Alexander Holtzoff, of the District of Columbia, to be an associate justice of the District Court of the United States for the District of Columbia, vice Hon. Bolitha J. Laws, elevated.

##### POST OFFICE DEPARTMENT

Gael E. Sullivan, of Illinois, to be Second Assistant Postmaster General, Post Office Department, effective October 1, 1945, vice Smith W. Purdum, retired.

##### FEDERAL POWER COMMISSION

Harrington Wimberly, of Oklahoma, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1948, vice Basil Manly, resigned.

Richard Sachse, of California, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1947, vice John W. Scott, resigned.

##### PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES

TO BE COLONELS WITH RANK FROM SEPTEMBER 1, 1945

Lt. Col. Rexford Edwin Willoughby, Cavalry (temporary colonel).

Lt. Col. William Glenn Livesay, Infantry (temporary major general).

Lt. Col. James Washington Barnett, Cavalry (temporary brigadier general).

Lt. Col. John Charles Mullenix, Cavalry (temporary colonel).

Lt. Col. John Andrew Weeks, Cavalry (temporary colonel).

Lt. Col. Robert Lincoln Christian, Infantry (temporary colonel).

Lt. Col. William Hampton Crom, Air Corps (temporary colonel).

Lt. Col. Delphin Etienne Thebaud, Infantry (temporary colonel).

Lt. Col. George Sheppard Clarke, Infantry (temporary colonel).

Lt. Col. Charles Andrew Willoughby, Infantry (temporary major general).

Lt. Col. Walter Eyster Buchly, Cavalry (temporary colonel).

Lt. Col. Harold Chittenden Mandell, Cavalry (temporary brigadier general).

#### CONFIRMATIONS

Executive nominations confirmed by the Senate September 12 (legislative day of September 10), 1945:

##### UNITED STATES PUBLIC HEALTH SERVICE

##### PROMOTIONS IN THE REGULAR CORPS

To be passed assistant surgeons, effective date indicated

Robert V. Holman, July 1, 1944.

James R. Hurley, September 12, 1945.

James F. Maddux, July 1, 1945.

Wardell H. Mills, September 14, 1945.

Willoughby J. Rothrock, Jr., September 4, 1945.

Richard C. Siders, July 1, 1945.

To be temporary senior surgeons, effective August 1, 1945

Llewellyn L. Ashburn Hollis U. Maness

Bert R. Boone Thomas B. McKneely

Don S. Cameron Carroll E. Palmer

Kenneth E. Gamm Donald W. Patrick

Alfred B. Geyer Thurman H. Rose

Clifton K. Himmelsbach George G. VanDyke

Marion K. King Victor H. Vogel

Benton O. Lewis Oliver C. Williams

William G. Workman

To be temporary senior dental surgeons, effective date indicated

Leonard R. Etzenhouser, May 1, 1945.

Mark E. Bowers, August 1, 1945.

Gordon G. Braendle, August 1, 1945.

John M. Francis, August 1, 1945.

Charles B. Galt, August 1, 1945.

Frank E. Law, August 1, 1945.

Robert H. Moore, August 1, 1945.

Walter J. Pelton, August 1, 1945.

To be temporary surgeons, effective date indicated

Clarence L. Hebert, July 1, 1945.

Charles L. Williams, Jr., July 1, 1945.

To be temporary passed assistant surgeons, effective date indicated

John W. Murray, Jr., July 1, 1945.

Fred W. Harb, July 1, 1945.

To be temporary medical director, effective July 16, 1945

Estella Ford Warner

To be temporary senior nurse officers, effective date indicated

Pearl McIver, July 9, 1945.

Jessie MacFarlane, July 6, 1945.

##### APPOINTMENTS IN THE REGULAR CORPS

To be assistant dietitians, effective date of oath of office

E. Grace Gibson

Myrtle M. Morris

Georgia Stephens

To be junior assistant dietitian, effective date of oath of office

Christine F. Flanders

To be senior assistant dietitians, effective date of oath of office

Elsie Trautman

Janet E. Eley

To be junior assistant physical therapist, effective date of oath of office

Gerda Busck

To be senior assistant nurse officer, effective date of oath of office

Amy E. Viglione

##### POSTMASTERS

##### INDIANA

Julius L. Green, Lanesville.

Virginia L. Trautman, Sunman.

##### LOUISIANA

A. Frank Fairley, New Orleans.

##### MONTANA

Vera Pryde, Bearcreek.

Cleola Ralston, Glacier Park.

##### NEBRASKA

Maude L. Brockett, Atlanta.

George E. Price, Cortland.

Mildred E. Tomes, Dwight.

Florence Hartnett, Jackson.

Maxine L. Neal, Tryon.

##### VIRGINIA

C. Moir Marshall, Laurel Fork.

Louise G. Sterrett, Rockbridge Baths.

Nannie Rose Tiller, Rocky Gap.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, SEPTEMBER 12, 1945

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessing and honor, glory and power, be unto Him who sitteth upon the throne, and to the Lamb forever and ever. In all things, dear Lord, inspire us to be faithful and diligent, patient and hopeful, and to know that it is no vain adventure to be directed and held by these virtues. Give to us glad assurance, and cease not to guide us in all our ways. By Thy grace bind together the tissues of